

Adopted	Rejected
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COMMITTEE REPORT

YES:	8
NO:	4

MR. SPEAKER:

*Your Committee on Education, to which was referred Senate Bill 371, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, delete lines 1 through 17.
- 2 Delete pages 2 through 9.
- 3 Page 10, delete lines 1 through 34, begin a new paragraph and insert:
- 4 "SECTION 1. IC 4-1-8-1, AS AMENDED BY HEA 1288-2005,
- 5 SECTION 55, IS AMENDED TO READ AS FOLLOWS
- 6 [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) No individual may be
- 7 compelled by any state agency, board, commission, department, bureau,
- 8 or other entity of state government (referred to as "state agency" in this
- 9 chapter) to provide the individual's Social Security number to the state
- 10 agency against the individual's will, absent federal requirements to the
- 11 contrary. However, the provisions of this chapter do not apply to the
- 12 following:
- 13 (1) Department of state revenue.
- 14 (2) Department of workforce development.
- 15 (3) The programs administered by:
- 16 (A) the division of family and children;

- 1 (B) the division of mental health and addiction;
- 2 (C) the division of disability, aging, and rehabilitative services;
- 3 and
- 4 (D) the office of Medicaid policy and planning;
- 5 of the office of the secretary of family and social services.
- 6 (4) Auditor of state.
- 7 (5) State personnel department.
- 8 (6) Secretary of state, with respect to the registration of
- 9 broker-dealers, agents, and investment advisors.
- 10 (7) The legislative ethics commission, with respect to the
- 11 registration of lobbyists.
- 12 (8) Indiana department of administration, with respect to bidders
- 13 on contracts.
- 14 (9) Indiana department of transportation, with respect to bidders
- 15 on contracts.
- 16 (10) Health professions bureau.
- 17 (11) Indiana professional licensing agency.
- 18 (12) ~~Indiana~~ Department of insurance, with respect to licensing of
- 19 insurance producers.
- 20 (13) A pension fund administered by the board of trustees of the
- 21 public employees' retirement fund.
- 22 (14) The Indiana state teachers' retirement fund.
- 23 (15) The state police benefit system.
- 24 (16) The alcohol and tobacco commission.
- 25 (b) The bureau of motor vehicles may, notwithstanding this chapter,
- 26 require the following:
- 27 (1) That an individual include the individual's Social Security
- 28 number in an application for an official certificate of title for any
- 29 vehicle required to be titled under IC 9-17.
- 30 (2) That an individual include the individual's Social Security
- 31 number on an application for registration.
- 32 (3) That a corporation, limited liability company, firm,
- 33 partnership, or other business entity include its federal tax
- 34 identification number on an application for registration.
- 35 (c) The Indiana department of administration, the Indiana
- 36 department of transportation, the health professions bureau, and the
- 37 Indiana professional licensing agency may require an employer to
- 38 provide its federal employer identification number.

(d) The department of correction may require a committed offender to provide the offender's Social Security number for purposes of matching data with the Social Security Administration to determine benefit eligibility.

(e) The Indiana gaming commission may, notwithstanding this chapter, require the following:

(1) That an individual include the individual's Social Security number in any application for a riverboat owner's license, supplier's license, or occupational license.

(2) That a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, or any other business entity include its federal tax identification number on an application for a riverboat owner's license or supplier's license.

(f) Notwithstanding this chapter, the ~~professional standards board~~ **department of education** established by ~~IC 20-28-2-1~~ **IC 20-19-3-1** may require an individual who applies to the board for a license or an endorsement to provide the individual's Social Security number. The Social Security number may be used by the board only for conducting a background investigation, if the board is authorized by statute to conduct a background investigation of an individual for issuance of the license or endorsement.

SECTION 2. IC 6-3.1-2-1, AS AMENDED BY HEA 1288-2005, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. As used in this chapter, the following terms have the following meanings:

(1) "Eligible teacher" means a teacher:

(A) certified in a shortage area by the ~~professional standards board~~ **department of education** established by ~~IC 20-28-2-1~~ **IC 20-19-3-1**; and

(B) employed under contract during the regular school term by a school corporation in a shortage area.

(2) "Qualified position" means a position that:

(A) is relevant to the teacher's ~~academic training education~~ in a shortage area; and

(B) has been approved by the Indiana state board of education under section 6 of this chapter.

(3) "Regular school term" means the period, other than the school summer recess, during which a teacher is required to perform

1 duties assigned to the teacher under a teaching contract.

2 (4) "School corporation" means any corporation authorized by law
3 to establish public schools and levy taxes for their maintenance.

4 (5) "Shortage area" means the subject areas of mathematics and
5 science and any other subject area designated as a shortage area
6 by the Indiana state board of education.

7 (6) "State income tax liability" means a taxpayer's total income tax
8 liability incurred under IC 6-3 and IC 6-5.5, as computed after
9 application of credits that under IC 6-3.1-1-2 are to be applied
10 before the credit provided by this chapter.

11 SECTION 3. IC 9-24-2-1, AS AMENDED BY HEA 1288-2005,
12 SECTION 106, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A driver's license or a
14 learner's permit may not be issued to an individual less than eighteen
15 (18) years of age who meets any of the following conditions:

16 (1) Is a habitual truant under IC 20-33-2-11.

17 (2) Is under at least a second suspension from school for the
18 school year under IC 20-33-8-14 or IC 20-33-8-15.

19 (3) Is under an expulsion from school under IC 20-33-8-14,
20 IC 20-33-8-15, or IC 20-33-8-16.

21 (4) Has withdrawn from school **and:**

22 **(A) withdrew before graduating;**

23 **(B) withdrew** for a reason other than financial hardship; and

24 **(C) the withdrawal was reported under IC 20-33-2-21(a),**
25 **before graduating.**

26 **(5) Is considered a dropout under IC 20-33-2-9.5.**

27 (b) At least five (5) days before holding an exit interview under
28 ~~IC 20-33-2-6(a)(3)~~, **IC 20-33-2-9.5**, the school corporation shall give
29 notice by certified mail or personal delivery to the student, the student's
30 parent, or the student's guardian of the following:

31 (1) That the exit interview will include a hearing to determine if
32 the reason for the student's withdrawal is financial hardship.

33 (2) If the principal determines that the reason for the student's
34 withdrawal is not financial hardship:

35 (A) the student and the student's parent or guardian will
36 receive a copy of the determination; and

37 (B) the student's name will be submitted **by the student's**
38 **school principal** to the bureau for the bureau's use in denying

1 or invalidating a driver's license or learner's permit under this
2 section.

3 SECTION 4. IC 9-27-4-5.5, AS AMENDED BY HEA 1288-2005,
4 SECTION 111, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2005]: Sec. 5.5. (a) To receive an instructor's
6 license under subsection (d), an individual must complete at least sixty
7 (60) semester hours at a college. The individual must complete at least
8 twelve (12) semester hours in driver education courses, of which three
9 (3) semester hours must consist of supervised student teaching
10 experience under the direction of an individual who has:

- 11 (1) a driver and traffic safety education endorsement issued by the
12 **professional standards board department of education**
13 established by ~~IC 20-28-2-1~~; **IC 20-19-3-1**; and
- 14 (2) at least five (5) years of teaching experience in driver
15 education.

16 (b) The three (3) semester hours of supervised student teaching
17 experience required under subsection (a) may only be undertaken by an
18 individual who will be at least twenty-one (21) years of age upon
19 completion and may only be performed at a high school, a commercial
20 driving school, or the college providing the courses for the individual
21 to become an instructor. The remaining nine (9) hours of driver
22 education courses required under subsection (a) must include a
23 combination of theoretical and behind-the-wheel instruction that is
24 consistent with nationally accepted standards in traffic safety.

25 (c) The driver education semester hours required under subsection
26 (a) do not satisfy the requirements of subsection (d) or (e) unless the
27 driver education curriculum is approved by the commission for higher
28 education.

29 (d) The bureau shall issue an instructor's license to an individual
30 who satisfies all of the following:

- 31 (1) The individual meets the requirements of subsection (a).
- 32 (2) The individual does not have more than the maximum number
33 of points for violating traffic laws specified by the bureau by rules
34 adopted under IC 4-22-2.
- 35 (3) The individual has a good moral character, physical condition,
36 knowledge of the rules of the road, and work history. The bureau
37 shall adopt rules under IC 4-22-2 that specify the requirements,
38 including requirements about criminal convictions, necessary to

1 satisfy the conditions of this subdivision.

2 (e) The bureau shall issue an instructor's license to an individual
3 who:

- 4 (1) during 1995, held an instructor's license;
- 5 (2) meets the requirements of subsection (d)(2) and (d)(3); and
- 6 (3) completes the twelve (12) semester hours of driver education
- 7 courses required under subsection (a) not later than July 1, 1999.

8 However, an individual who has acted as an instructor for at least two
9 (2) years before January 1, 1996, is not required to complete the
10 requirements of subdivision (3) in order to receive an instructor's
11 license under this subsection.

12 (f) The bureau shall issue an instructor's license to an individual
13 who:

- 14 (1) holds a driver and traffic safety education endorsement issued
- 15 by the ~~professional standards board~~ **department of education**
- 16 established by ~~IC 20-28-2-1~~, **IC 20-19-3-1**; and
- 17 (2) meets the requirements of subsection (d)(2) and (d)(3).

18 (g) Only an individual who holds an instructor's license issued by
19 the bureau under subsection (d), (e), or (f) may act as an instructor.

20 SECTION 5. IC 10-13-3-38.5, AS AMENDED BY HEA
21 1288-2005, SECTION 119, IS AMENDED TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2005]: Sec. 38.5. (a) Under federal P.L.92-544
23 (86 Stat. 1115), the department may use an individual's fingerprints
24 submitted by the individual for the following purposes:

25 (1) Determining the individual's suitability for employment with
26 the state, or as an employee of a contractor of the state, in a
27 position:

28 (A) that has a job description that includes contact with, care
29 of, or supervision over a person less than eighteen (18) years
30 of age;

31 (B) that has a job description that includes contact with, care
32 of, or supervision over an endangered adult (as defined in
33 IC 12-10-3-2), except the individual is not required to meet the
34 standard for harmed or threatened with harm set forth in
35 IC 12-10-3-2(a)(3);

36 (C) at a state institution managed by the office of the secretary
37 of family and social services or state department of health;

38 (D) at the Indiana School for the Deaf established by

- 1 IC 20-22-2-1;
 2 (E) at the Indiana School for the Blind established by
 3 IC 20-21-2-1;
 4 (F) at a juvenile detention facility;
 5 (G) with the gaming commission under IC 4-33-3-16;
 6 (H) with the department of financial institutions under
 7 IC 28-11-2-3; or
 8 (I) that has a job description that includes access to or
 9 supervision over state financial or personnel data, including
 10 state warrants, banking codes, or payroll information
 11 pertaining to state employees.
 12 (2) Identification in a request related to an application for a
 13 teacher's license submitted to the ~~professional standards board~~
 14 **department of education** established by ~~IC 20-28-2-1~~.
 15 **IC 20-19-3-1.**

16 An applicant shall submit the fingerprints in an appropriate format or
 17 on forms provided for the employment or license application. The
 18 department shall charge each applicant the fee established under section
 19 28 of this chapter and by federal authorities to defray the costs
 20 associated with a search for and classification of the applicant's
 21 fingerprints. The department may forward fingerprints submitted by an
 22 applicant to the Federal Bureau of Investigation or any other agency for
 23 processing. The state personnel department or the agency to which the
 24 applicant is applying for employment or a license may receive the
 25 results of all fingerprint investigations.

26 (b) An applicant who is an employee of the state may not be charged
 27 under subsection (a).

28 (c) Subsection (a)(1) does not apply to an employee of a contractor
 29 of the state if the contract involves the construction or repair of a capital
 30 project or other public works project of the state.

31 SECTION 6. IC 11-10-5-2, AS AMENDED BY HEA 1288-2005,
 32 SECTION 122, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2005]: Sec. 2. The **advisory board of the**
 34 **division of professional standards board** established by ~~IC 20-28-2-1~~
 35 **IC 20-28-2-2** shall, in accord with IC 20-28-4 and IC 20-28-5, adopt
 36 rules under IC 4-22-2 for the licensing of teachers to be employed by
 37 the department.

38 SECTION 7. IC 11-10-5-3, AS AMENDED BY HEA 1288-2005,

SECTION 123, IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2005]: Sec. 3. Limited certificates valid for one
 (1) year may be granted, upon the request of the commissioner,
 according to rules of the **advisory board of the division of**
 professional standards ~~board~~ established by ~~IC 20-28-2-1.~~
IC 20-28-2-2. Modification of these rules may be made by the
advisory board of the division of professional standards ~~board~~ in a
 way reasonably calculated to make available an adequate supply of
 qualified teachers. A limited certificate may be issued in cases where
 special ~~training~~ **education** and qualifications warrant the waiver of part
 of the prerequisite professional ~~training~~ **education** required for
 certification to teach in the public schools. The limited certificate,
 however, may be issued only to applicants who have graduated from an
 accredited college or university. Teachers of vocational education need
 not be graduates of an accredited college or university but shall meet
 requirements for conditional vocational certificates as determined by
 the ~~professional standards board.~~ **department of education.**

SECTION 8. IC 12-17-2-34, AS AMENDED BY HEA 1288-2005,
 SECTION 132, IS A MENDED TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2005]: (a) When the Title IV-D agency finds
 that an obligor is delinquent and can demonstrate that all previous
 enforcement actions have been unsuccessful, the Title IV-D agency
 shall send, to a verified address, a notice to the obligor that ~~includes~~
does the following:

- (1) Specifies that the obligor is delinquent.
- (2) Describes the amount of child support that the obligor is in
arrears.
- (3) States that unless the obligor:
 - (A) pays the obligor's child support arrearage in full;
 - (B) requests the activation of an income withholding order
under IC 31-16-15-2 and establishes a payment plan with the
Title IV-D agency to pay the arrearage; or
 - (C) requests a hearing under section 35 of this chapter;
 within twenty (20) days after the date the notice is mailed, the
 Title IV-D agency shall issue an order to the bureau of motor
 vehicles stating that the obligor is delinquent and that the obligor's
 driving privileges shall be suspended.
- (4) Explains that the obligor has twenty (20) days after the notice

1 is mailed to do one (1) of the following:

2 (A) Pay the obligor's child support arrearage in full.

3 (B) Request the activation of an income withholding order
4 under IC 31-16-15-2 and establish a payment plan with the
5 Title IV-D agency to pay the arrearage.

6 (C) Request a hearing under section 35 of this chapter.

7 (5) Explains that if the obligor has not satisfied any of the
8 requirements of subdivision (4) within twenty (20) days after the
9 notice is mailed, that the Title IV-D agency shall issue a notice to:

10 (A) the board **or department** that regulates the obligor's
11 profession or occupation, if any, that the obligor is delinquent
12 and that the obligor may be subject to sanctions under
13 IC 25-1-1.2, including suspension or revocation of the
14 obligor's professional or occupational license;

15 (B) the supreme court disciplinary commission if the obligor
16 is licensed to practice law;

17 (C) the ~~professional standards board as~~ **department of**
18 **education** established by ~~IC 20-28-2-1~~ **IC 20-19-3-1** if the
19 obligor is a licensed teacher;

20 (D) the Indiana horse racing commission if the obligor holds
21 or applies for a license issued under IC 4-31-6;

22 (E) the Indiana gaming commission if the obligor holds or
23 applies for a license issued under IC 4-33;

24 (F) the commissioner of the department of insurance if the
25 obligor holds or is an applicant for a license issued under
26 IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3; or

27 (G) the director of the department of natural resources if the
28 obligor holds or is an applicant for a license issued by the
29 department of natural resources under the following:

30 (i) IC 14-22-12 (fishing, hunting, and trapping licenses).

31 (ii) IC 14-22-14 (Lake Michigan commercial fishing
32 license).

33 (iii) IC 14-22-16 (bait dealer's license).

34 (iv) IC 14-22-17 (mussel license).

35 (v) IC 14-22-19 (fur buyer's license).

36 (vi) IC 14-24-7 (nursery dealer's license).

37 (vii) IC 14-31-3 (ginseng dealer's license).

38 (6) Explains that the only basis for contesting the issuance of an

- 1 order under subdivision (3) or (5) is a mistake of fact.
- 2 (7) Explains that an obligor may contest the Title IV-D agency's
- 3 determination to issue an order under subdivision (3) or (5) by
- 4 making written application to the Title IV-D agency within twenty
- 5 (20) days after the date the notice is mailed.
- 6 (8) Explains the procedures to:
 - 7 (A) pay the obligor's child support arrearage in full;
 - 8 (B) establish a payment plan with the Title IV-D agency to pay
 - 9 the arrearage; and
 - 10 (C) request the activation of an income withholding order
 - 11 under IC 31-16-15-2.
- 12 (b) Whenever the Title IV-D agency finds that an obligor is
- 13 delinquent and has failed to:
 - 14 (1) pay the obligor's child support arrearage in full;
 - 15 (2) establish a payment plan with the Title IV-D agency to pay the
 - 16 arrearage and request the activation of an income withholding
 - 17 order under IC 31-16-15-2; or
 - 18 (3) request a hearing under section 35 of this chapter within
 - 19 twenty (20) days after the date the notice described in subsection
 - 20 (a) is mailed;
- 21 the Title IV-D agency shall issue an order to the bureau of motor
- 22 vehicles stating that the obligor is delinquent.
- 23 (c) An order issued under subsection (b) must require the following:
 - 24 (1) If the obligor who is the subject of the order holds a driving
 - 25 license or permit on the date the order is issued, that the driving
 - 26 privileges of the obligor be suspended until further order of the
 - 27 Title IV-D agency.
 - 28 (2) If the obligor who is the subject of the order does not hold a
 - 29 driving license or permit on the date the order is issued, that the
 - 30 bureau of motor vehicles may not issue a driving license or permit
 - 31 to the obligor until the bureau of motor vehicles receives a further
 - 32 order from the Title IV-D agency.
- 33 (d) The Title IV-D agency shall provide the:
 - 34 (1) full name;
 - 35 (2) date of birth;
 - 36 (3) verified address; and
 - 37 (4) Social Security number or driving license number;
 - 38 of the obligor to the bureau of motor vehicles.

(e) When the Title IV-D agency finds that an obligor who is an applicant (as defined in IC 25-1-1.2-1) or a practitioner (as defined in IC 25-1-1.2-6) is delinquent and the applicant or practitioner has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage or request the activation of an income withholding order under IC 31-16-15; or
- (3) request a hearing under section 35 of this chapter;

the Title IV-D agency shall issue an order to the board regulating the practice of the obligor's profession or occupation stating that the obligor is delinquent.

(f) An order issued under subsection (e) must direct the board **or department** regulating the obligor's profession or occupation to impose the appropriate sanctions described under IC 25-1-1.2.

(g) When the Title IV-D agency finds that an obligor who is an attorney or a licensed teacher is delinquent and the attorney or licensed teacher has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage or request the activation of an income withholding order under IC 31-16-15-2; or
- (3) request a hearing under section 35 of this chapter;

the Title IV-D agency shall notify the supreme court disciplinary commission if the obligor is an attorney, or the ~~professional standards board~~ **department of education** if the obligor is a licensed teacher, that the obligor is delinquent.

(h) When the Title IV-D agency finds that an obligor who holds a license issued under IC 4-31-6 or IC 4-33 has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or
- (3) request a hearing under section 35 of this chapter;

the Title IV-D agency shall issue an order to the Indiana horse racing commission if the obligor holds a license issued under IC 4-31-6, or to the Indiana gaming commission if the obligor holds a license issued under IC 4-33, stating that the obligor is delinquent and directing the

1 commission to impose the appropriate sanctions described in
2 IC 4-31-6-11 or IC 4-33-8.5-3.

3 (i) When the Title IV-D agency finds that an obligor who holds a
4 license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3 has
5 failed to:

6 (1) pay the obligor's child support arrearage in full;

7 (2) establish a payment plan with the Title IV-D agency to pay the
8 arrearage and request the activation of an income withholding
9 order under IC 31-16-15-2; or

10 (3) request a hearing under section 35 of this chapter;

11 the Title IV-D agency shall issue an order to the commissioner of the
12 department of insurance stating that the obligor is delinquent and
13 directing the commissioner to impose the appropriate sanctions
14 described in IC 27-1-15.6-29 or IC 27-10-3-20.

15 (j) When the Title IV-D agency finds that an obligor who holds a
16 license issued by the department of natural resources under
17 IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19,
18 IC 14-24-7, or IC 14-31-3 has failed to:

19 (1) pay the obligor's child support arrearage in full;

20 (2) establish a payment plan with the Title IV-D agency to pay the
21 arrearage and request the activation of an income withholding
22 order under IC 31-16-15-2; or

23 (3) request a hearing under section 35 of this chapter;

24 the Title IV-D agency shall issue an order to the director of the
25 department of natural resources stating that the obligor is delinquent
26 and directing the director to suspend or revoke a license issued to the
27 obligor by the department of natural resources as provided in
28 IC 14-11-3."

29 Page 22, between lines 34 and 35, begin a new paragraph and insert:

30 **"(c) Beginning July 1, 2005, the department, before issuing an**
31 **initial teaching license at any grade level to an undergraduate**
32 **applicant for an initial teaching license, shall require the applicant**
33 **to show evidence that the applicant meets one (1) of the following**
34 **criteria:**

35 **(1) Has successfully completed a course approved by the**
36 **board in:**

37 **(A) cardiopulmonary resuscitation that includes a test**
38 **demonstration on a mannequin;**

- 1 **(B) removing a foreign body causing an obstruction in an**
 2 **airway; and**
 3 **(C) the Heimlich maneuver.**
 4 **(2) Holds a valid certification in the procedures described in**
 5 **subdivision (1) issued by:**
 6 **(A) the American Red Cross;**
 7 **(B) the American Heart Association; or**
 8 **(C) a comparable organization or institution approved by**
 9 **the board.**
 10 **(3) Has physical limitations that make it impracticable for the**
 11 **applicant to complete the course and certification required**
 12 **under subdivisions (1) and (2)."**

13 Page 22, line 35, strike "(c)" and insert "(d)".

14 Page 26, between lines 2 and 3, begin a new paragraph and insert:

15 **"(b) Each individual who completes a written examination**
 16 **described in subsection (a) must receive the following from the**
 17 **examination's scorer:**

- 18 **(1) The individual's total test score.**
 19 **(2) Subscores for each area tested.**
 20 **(3) Itemized descriptions of the areas in which the individual**
 21 **was found to be deficient.**

22 **(c) This subsection applies to an individual who has attempted**
 23 **the written examination described in subsection (a) at least two (2)**
 24 **times and has failed to demonstrate proficiency in a test area by not**
 25 **more than two (2) points. An individual to whom this subsection**
 26 **applies may demonstrate proficiency in a test area described in this**
 27 **subsection by having the teacher education school or department**
 28 **in which the individual is a student certify to the department that,**
 29 **based upon the individual's coursework, grades, fieldwork, and**
 30 **student teaching, and evaluations by the individual's instructors,**
 31 **the individual possesses the content knowledge assessed in the**
 32 **written examination."**

33 Page 26, line 3, strike "(b)" and insert "(d)".

34 Page 26, line 6, strike "(c)" and insert "(e)".

35 Page 26, line 12, strike "(d)" and insert "(f)".

36 Page 26, line 16, strike "(e)" and insert "(g)".

37 Page 26, line 18, strike "(f)" and insert "(h)".

38 Page 31, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 41. IC 20-8.1-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17. (a) Subject to the specific exceptions under this chapter, each individual shall attend either a public school which the individual is entitled to attend under IC 20-8.1-6.1 or some other school which is taught in the English language.

(b) An individual is bound by the requirements of this chapter from the earlier of the date on which the individual officially enrolls in a school or, except as provided in subsection (h), the beginning of the fall school term for the school year in which the individual becomes seven (7) years of age until ~~the date on which~~ the individual **meets one (1) of the following conditions, whichever occurs first:**

(1) Graduates.

(2) Reaches at least sixteen (16) years of age but who is less than eighteen (18) years of age and **meets** the requirements under ~~subsection (j) concerning an exit interview are met~~ **section 17.6 or 17.7 of this chapter**, enabling the individual to withdraw from school before graduation. ~~or~~

(3) Reaches at least eighteen (18) years of age.

~~whichever occurs first:~~

(c) An individual who:

(1) enrolls in school before the fall school term for the school year in which the individual becomes seven (7) years of age; and

(2) is withdrawn from school before the school year described in subdivision (1) occurs;

is not subject to the requirements of this chapter until the individual is reenrolled as required in subsection (b). Nothing in this section shall be construed to require that a child complete grade 1 before the child reaches eight (8) years of age.

(d) An individual for whom education is compulsory under this section shall attend school each year:

(1) for the number of days public schools are in session in the school corporation in which the individual is enrolled in Indiana; or

(2) if the individual is enrolled outside Indiana, for the number of days the public schools are in session where the individual is enrolled.

(e) In addition to the requirements of subsections (a) through (d), an

individual must be at least five (5) years of age on July 1 of the 2001-2002 school year or any subsequent school year to officially enroll in a kindergarten program offered by a school corporation. However, subject to subsection (g), the governing body of the school corporation shall adopt a procedure affording a parent of an individual who does not meet the minimum age requirement set forth in this subsection the right to appeal to the superintendent of the school corporation for enrollment of the individual in kindergarten at an age earlier than the age that is set forth in this subsection.

(f) In addition to the requirements of subsections (a) through (e), and subject to subsection (g), if an individual enrolls in school as permitted under subsection (b) and has not attended kindergarten, the superintendent of the school corporation shall make a determination as to whether the individual shall enroll in kindergarten or grade 1 based on the particular model assessment adopted by the governing body under subsection (g).

(g) To assist the principal and governing bodies, the department shall do the following:

(1) Establish guidelines to assist each governing body in establishing a procedure for making appeals to the superintendent of the school corporation under subsection (e).

(2) Establish criteria by which a governing body may adopt a model assessment which will be utilized in making the determination under subsection (f).

(h) If the parents of an individual who would otherwise be subject to compulsory school attendance under subsection (b), upon request of the superintendent of the school corporation, certify to the superintendent of the school corporation that the parents intend to:

(1) enroll the individual in a nonaccredited, nonpublic school; or

(2) begin providing the individual with instruction equivalent to that given in the public schools as permitted under section 34 of this chapter;

not later than the date on which the individual reaches seven (7) years of age, the individual is not bound by the requirements of this chapter until the individual reaches seven (7) years of age.

(i) The governing body of each school corporation shall designate the appropriate employees of the school corporation to conduct the exit interviews for students described in subsection (b)(2). Each exit

interview must be personally attended by:

- (1) the student's parent or guardian;
- (2) the student;
- (3) each designated appropriate school employee; and
- (4) the student's principal.

~~(j) A student who is at least sixteen (16) years of age but less than eighteen (18) years of age is bound by the requirements of compulsory school attendance and may not withdraw from school before graduation unless:~~

- ~~(1) the student, the student's parent or guardian, and the principal agree to the withdrawal; and~~
- ~~(2) at the exit interview the student provides written acknowledgment of the withdrawal and the student's parent or guardian and the school principal each provide written consent for the student to withdraw from school.~~

~~(k)~~ **(j)** For the purposes of this section, "school year" has the meaning set forth in IC 21-2-12-3(h).

SECTION 42. IC 20-8.1-3-17.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17.2. (a) Each governing body shall establish and include as part of the written copy of its discipline rules described in IC 20-8.1-5.1-7:

- (1) a definition of a student who is designated as a habitual truant, **who must be defined at a minimum as someone who is chronically absent, by missing more than ten (10) unexcused days of school in one (1) school year;**
- (2) the procedures under which subsection (b) will be administered; and
- (3) all other pertinent matters related to this action.

(b) Notwithstanding IC 9-24 concerning the minimum requirements for qualifying for the issuance of an operator's license or learner's permit, and subject to subsections (c) through (e), a person who is:

- (1) at least thirteen (13) years of age but less than fifteen (15) years of age;
- (2) a habitual truant under the definition of habitual truant established under subsection (a); and
- (3) identified in a list submitted to the bureau of motor vehicles under subsection (f);

may not be issued an operator's license or a learner's permit to drive a

motor vehicle or motorcycle under IC 9-24 until the person is at least eighteen (18) years of age.

(c) A person described in subsection (b) is entitled to the procedure described in IC 20-8.1-5.1-13.

(d) Each person described in subsection (b) who is at least thirteen (13) years of age and less than eighteen (18) years of age is entitled to a periodic review of that person's attendance record in school in order to determine whether the prohibition described in subsection (b) shall continue. In no event may the periodic reviews be conducted less than one (1) time each school year.

(e) Upon review, the governing body may determine that the person's attendance record has improved to the degree that the person may become eligible to be issued an operator's license or a learner's permit.

(f) Before February 1 and before October 1 of each year, the governing body of the school corporation shall submit to the bureau of motor vehicles the pertinent information concerning a person's ineligibility under subsection (b) to be issued the license or permit.

(g) The department of education shall develop guidelines concerning criteria used in defining a habitual truant that may be considered by a governing body in complying with subsection (a).

SECTION 43. IC 20-8.1-3-17.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 17.6. (a) This section applies to an individual:**

(1) who:

(A) attends or last attended a nonpublic nonaccredited school;

(B) is at least sixteen (16) years of age but less than eighteen (18) years of age; and

(C) has not completed the requirements for graduation; and

(2) who:

(A) wishes to withdraw from school before graduation;

(B) fails to return at the beginning of a semester; or

(C) stops attending school during a semester.

(b) An individual to whom this section applies may withdraw from school only if the individual's principal and parent provide

1 **written consent.**

2 SECTION 44. IC 20-8.1-3-17.7 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2005]: **Sec. 17.7. (a) This section applies to an**
5 **individual:**

6 **(1) who:**

7 **(A) attends or last attended a public or nonpublic**
8 **accredited school;**

9 **(B) is at least sixteen (16) years of age but less than**
10 **eighteen (18) years of age; and**

11 **(C) has not completed the requirements for graduation;**

12 **(2) who:**

13 **(A) wishes to withdraw from school before graduation;**

14 **(B) fails to return at the beginning of a semester; or**

15 **(C) stops attending school during a semester; and**

16 **(3) who has no record of transfer to another school.**

17 **(b) An individual to whom this section applies may withdraw**
18 **from school only if all the following conditions are met:**

19 **(1) An exit interview is conducted.**

20 **(2) The individual's parent consents to the withdrawal.**

21 **(3) The school principal approves of the withdrawal.**

22 **(4) The withdrawal is because of financial hardship and the**
23 **individual is employed to support the individual's family or**
24 **dependents.**

25 **(5) The school principal provides to the student and the**
26 **student's parent a copy of statistics compiled by the**
27 **department concerning the likely consequences of life without**
28 **a high school diploma.**

29 **(6) The school principal advises the student and the student's**
30 **parent that a driver's license or learner's permit may be**
31 **revoked and may not be issued to the student upon the**
32 **student's withdrawal from school, for a reason other than**
33 **financial hardship.**

34 **(7) The school principal advises the student and the student's**
35 **parent that an employment certificate may be revoked and**
36 **may not be issued to the student upon the student's**
37 **withdrawal from school, for a reason other than financial**
38 **hardship.**

(c) For purposes of this section, the following must be in written form:

(1) An individual's request to withdraw from school.

(2) A parent's consent to a withdrawal.

(3) A principal's consent to a withdrawal.

(d) If the individual's principal does not consent to the individual's withdrawal under this section, the individual's parent may appeal the denial of consent to the governing body of the public or nonpublic accredited school that the individual last attended.

(e) Each public school, including each school corporation and each charter school (as defined in IC 20-5.5-1-4), and each nonpublic accredited school shall provide an annual report to the department setting forth the following information:

(1) The total number of individuals:

(A) who withdrew from school under this section; and

(B) who either:

(i) failed to return to school at the beginning of a semester; or

(ii) stopped attending school during a semester;

and for whom there is no record of transfer to another school.

(2) The number of individuals who withdrew from school for the reason set forth in subsection (b)(4).

(f) If an individual to which this section applies:

(1) has not received consent to withdraw from school under this section; and

(2) fails to return to school at the beginning of a semester or during the semester;

the principal of the school that the individual last attended shall deliver by certified mail or personal delivery to the bureau of child labor a record of the individual's failure to return to school so that the bureau of child labor revokes any employment certificates issued to the individual and does not issue any additional employment certificates to the individual. For purposes of IC 20-8.1-4-12, the individual shall be considered a dropout.

(g) At the same time that a school principal delivers the record under subsection (f), the principal shall deliver by certified mail or

personal delivery to the bureau of motor vehicles a record of the individual's failure to return to school so that the bureau of motor vehicles revokes any driver's license or learner's permit issued to the individual and does not issue any additional driver's licenses or learner's permits to the individual before the individual is at least eighteen (18) years of age. For purposes of IC 9-24-2-1, the individual shall be considered a dropout.

(h) If:

(1) a principal has delivered the record required under subsection (f) or (g), or both; and

(2) the school subsequently gives consent to the individual to withdraw from school under this section,

the principal of the school shall send a notice of withdrawal to the bureau of child labor and the bureau of motor vehicles by certified mail or personal delivery. For purposes of IC 20-8.1-4-12 and IC 9-24-2-1, the individual shall no longer be considered a dropout.

SECTION 45. IC 20-8.1-4-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. (a) **Except as provided in subsection (b)**, upon presentation of the documents required by section 7 of this chapter, an employment certificate shall be issued immediately to the child. ~~However, an issuing officer may deny a certificate to a child:~~

~~(1) whose attendance is not in good standing; or~~

~~(2) whose academic performance does not meet the school corporation's standard.~~

(b) An employment certificate may not be issued to a student who meets any of the following conditions:

(1) Is a habitual truant under IC 20-8.1-3-17.2.

(2) Is under at least a second suspension from school for the school year under IC 20-8.1-5.1-8 or IC 20-8.1-5.1-9.

(3) Is under an expulsion from school under IC 20-8.1-5.1-8, IC 20-8.1-5.1-9, or IC 20-8.1-5.1-10.

(4) Is considered a dropout under IC 20-8.1-3-17.7.

(5) Does not meet the academic performance standards of the school corporation.

~~(b)~~ **(c)** Within five (5) days, the issuing officer shall send a copy of the employment certificate to the department of labor. The issuing officer shall keep a record in his office of each employment certificate

1 issued.

2 ~~(c)~~ **(d)** A student may appeal the denial of a certificate under
3 subsection (a) to the school principal.

4 **(e) At least five (5) days before holding an exit interview under**
5 **IC 20-8.1-3-17.7, the school corporation shall give notice by**
6 **certified mail or personal delivery to the student or the student's**
7 **parent of the following:**

8 **(1) That the exit interview will include a hearing to determine**
9 **if the reason for the student's withdrawal is financial**
10 **hardship.**

11 **(2) If the principal determines that the reason for the student's**
12 **withdrawal is not financial hardship:**

13 **(A) the student and the student's parent will receive a copy**
14 **of the determination; and**

15 **(B) the student's name will be submitted to the bureau of**
16 **child labor by the student's school principal for the bureau**
17 **of child labor's use in denying or invalidating an**
18 **employment certificate under this section."**

19 Page 34, after line 42, begin a new paragraph and insert:

20 "SECTION 46. IC 20-10.1-16-4 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The board shall:

22 (1) authorize the development and implementation of the Indiana
23 statewide testing for educational progress program; and

24 (2) determine the date, **which for school years beginning after**
25 **June 30, 2006, must be during the first two (2) weeks that end**
26 **in May of the school year**, on which the statewide testing is
27 administered in each school corporation.

28 (b) The state superintendent is responsible for the overall
29 development, implementation, and monitoring of the ISTEP program.

30 (c) The department shall prepare detailed design specifications for
31 the ISTEP program that must do the following:

32 (1) Take into account the academic standards.

33 (2) Include testing of students' higher level cognitive thinking in
34 each subject area tested.

35 **(3) Provide for a pilot test for reliability and validation to be**
36 **given during the first two (2) weeks that end in May 2006, and**
37 **for the following schedule concerning the administration,**
38 **scoring, and reporting of results, for school years beginning**

1 **after June 30, 2006:**

2 **(A) Test administration conducted during the first two (2)**
 3 **weeks that end in May.**

4 **(B) Test scoring completed before June 16.**

5 **(C) Test results reported to teachers and parents before**
 6 **July 1.**

7 **(D) Yearly progress reported to parents and the federal**
 8 **government before July 16.**

9 SECTION 47. IC 20-10.1-16-4.1 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE UPON PASSAGE]: **Sec. 4.1. (a) Before August 2,**
 12 **2005, the department shall develop a ten (10) year plan for student**
 13 **diagnostic and summative achievement assessment that must**
 14 **include a system that:**

15 **(1) has as its purposes to:**

16 **(A) provide teachers with diagnostic assessment tools**
 17 **during the school year to determine whether each student**
 18 **is learning below, at, or above the academic standards for**
 19 **that grade and subject so that the teacher may direct**
 20 **instruction accordingly;**

21 **(B) annually assess the progress of each student under the**
 22 **academic standards toward the knowledge and skills**
 23 **necessary for success in postsecondary education,**
 24 **workplace education, and lifelong learning; and**

25 **(C) confirm before graduation that each student has the**
 26 **knowledge and skills necessary for success in**
 27 **postsecondary education, workplace education, and**
 28 **lifelong learning.**

29 **(2) uses:**

30 **(A) a diagnostic assessment tool for language arts**
 31 **(including English), mathematics, science, and social**
 32 **studies in kindergarten through at least grade 8 to support**
 33 **on-line, intra-year diagnostic assessments of individual or**
 34 **collective students by teachers to assist efforts to accelerate**
 35 **learning by students performing below expectations and**
 36 **support further learning by students performing at or**
 37 **above expectations;**

38 **(B) annual on-line end of the school year assessments for**

- 1 **grades 3 through 8 that assess whether students are**
- 2 **proficient in the subject matter of the grades in language**
- 3 **arts (including English), mathematics, science, and social**
- 4 **studies, as determined by the academic standards**
- 5 **applicable to the subjects and grades;**
- 6 **(C) on-line end of course assessments in grades 9 through**
- 7 **12 that assess whether students are proficient in the subject**
- 8 **matter of the courses in language arts (including English),**
- 9 **mathematics, science, and social studies, as determined by**
- 10 **the academic standards applicable to the subjects and**
- 11 **courses;**
- 12 **(D) a new graduation examination, effective at least for the**
- 13 **students expected to graduate at the end of the school year**
- 14 **beginning July 1, 2010, and ending June 30, 2011, that**
- 15 **confirms that the student has demonstrated the knowledge**
- 16 **and skills necessary for success in postsecondary education,**
- 17 **workplace education, and lifelong learning; and**
- 18 **(E) a separate written essay examination for each grade**
- 19 **that must be reported as a separate part of the assessment**
- 20 **results and that must be used independently by teachers**
- 21 **and schools to determine whether the student is writing at**
- 22 **a level commensurate with the needs and expectations of**
- 23 **learning and communicating at that grade level;**
- 24 **(3) uses on-line testing to provide ease of use and timely return**
- 25 **of results;**
- 26 **(4) supports an annual cycle of learning, assessment, and**
- 27 **feedback that:**
- 28 **(A) provides on-line question banks and means for**
- 29 **diagnostic assessments for teachers to use during the school**
- 30 **year to assess whether students are performing below, at,**
- 31 **or above expectations for each subject and grade;**
- 32 **(B) administers annual student assessments and graduate**
- 33 **examinations during the first two (2) weeks that end in**
- 34 **May each year;**
- 35 **(C) reports results to teachers, parents, communities, and**
- 36 **the federal government before July 16 each year; and**
- 37 **(D) provides for a common method and means by which**
- 38 **teachers shall grade the independent written essay.**

(b) Before October 1, 2005, the department, the office of management and budget, and the attorney general shall develop specifications and a process for a long term contract with an assessment provider to implement the plan developed under this section. The department shall consult with postsecondary education and workplace employers in the state to ensure that the specifications comply with subsection (a)(1)(C). The department shall consult with superintendents in the state to ensure that the specifications comply with subsection (a)(2)(A). The specifications must comply with this section. The initial specifications must provide for pilot assessments to be given in the period during the first two (2) weeks that end in May 1, 2006, and annual assessments to be given during the first two (2) weeks of May 2007. The process must solicit interest from national and international assessment companies, put out a request for proposals, and solicit proposals for a plan to transition to the assessment system provided for in this section and manage the system, subject to the specifications, until the school year beginning July 1, 2016, and ending June 30, 2017, notwithstanding any other law that limits the maximum term of state contracts. Proposals received shall be reviewed jointly by the department and the office of management and budget, which shall jointly determine the successful bidder, subject to the approval of the attorney general for form and legality of the bid process. The bid process must be completed before January 1, 2006.

(c) If a successful bidder is selected, the pilot test contemplated by section 4(c)(3) of this chapter for the period during the first two (2) weeks that end in May 2006, shall be replaced by the pilot test contemplated by this section."

Page 36, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 56. IC 20-12-22.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 22.2. Teacher Recruitment and Retention Fund

Sec. 1. As used in this chapter, "board" refers to the advisory board of the division of professional standards of the department of education established by IC 20-28-2-2.

Sec. 2. As used in this chapter, "fund" refers to the teacher

1 recruitment and retention fund established by section 3 of this
2 chapter.

3 Sec. 3. (a) The teacher recruitment and retention fund is
4 established.

5 (b) The purpose of the fund is to attract additional qualified
6 teachers to the geographic areas of Indiana where there is a critical
7 shortage of teachers, as determined by the board, by granting loan
8 repayment assistance authorized under this chapter to eligible
9 applicants.

10 (c) The fund consists of gifts, grants, devises, or bequests made
11 to the state to achieve the purposes of the fund.

12 (d) The fund shall be administered by the board. The expenses
13 of administering the fund shall be paid from money in the fund.

14 (e) Funds appropriated to the fund shall be placed in the state
15 treasury to the credit of the fund. Loan repayment assistance
16 payments shall be made from the fund by the treasurer of state
17 upon a warrant issued by the auditor of state in accordance with
18 rules adopted by the board.

19 Sec. 4. The board shall receive and consider all applications for
20 loan repayment assistance received from teachers with outstanding
21 guaranteed student loans made, issued, or guaranteed under a
22 program authorized by Title IV of the Higher Education Act of
23 1965 (20 U.S.C. 1070 et seq.).

24 Sec. 5. (a) To qualify for loan repayment assistance for student
25 loans under this chapter a person must:

- 26 (1) hold a license to teach under IC 20-28-5;
- 27 (2) complete at least one (1) year of teaching service in a
28 geographic area of Indiana where a critical shortage of
29 teachers exists, as determined by the board;
- 30 (3) agree in writing to the employment requirements set forth
31 in section 7 of this chapter; and
- 32 (4) meet any additional criteria established by the board.

33 (b) For each year for which a teacher qualifies under subsection
34 (a), the board may grant loan repayment assistance to the teacher
35 in an amount not to exceed the lesser of:

- 36 (1) fifty percent (50%) of the total principal and interest of the
37 guaranteed student loans owed by the teacher during the year
38 for which the teacher qualifies under subsection (a); or

1 (2) three thousand dollars (\$3,000).

2 (c) The loan repayment assistance granted to a qualified teacher
3 under this chapter must be used to reduce the principal and
4 interest on a guaranteed student loan owed by that qualified
5 teacher. The years of service rendered to obtain loan repayment
6 assistance for student loans must be consecutive and may not
7 exceed five (5) years. The maximum amount of loan repayment
8 assistance that may be granted to any qualified teacher is fifteen
9 thousand dollars (\$15,000).

10 Sec. 6. A qualified teacher must apply for a loan repayment on
11 a form supplied by the board. The board shall consider each
12 application and determine the eligibility of the applicant for the
13 loan repayment assistance.

14 Sec. 7. (a) Before being granted loan repayment assistance under
15 this chapter, a teacher must enter into a contract with the board
16 agreeing to the terms and conditions upon which the loan
17 repayment assistance will be granted to the teacher.

18 (b) As a condition of being granted loan repayment assistance
19 under this chapter, a teacher must agree to employment for a
20 period of at least five (5) years as a licensed teacher in a school
21 district located in a geographic area of Indiana where a critical
22 shortage of teachers exists.

23 (c) Service rendered by a teacher in a geographic area where a
24 critical shortage of teachers exists before that teacher becomes a
25 participant in the program may not be considered to have fulfilled
26 the employment commitment required by subsection (b).

27 (d) A person failing to comply with the employment
28 commitment required by subsection (b) in any required school year
29 is immediately in breach of contract and immediately becomes
30 liable to the board for the sum of all loan payments awarded to that
31 person, less one-third (1/3) of the amount of that sum for each year
32 that service was rendered, plus interest accruing at the current
33 federal Stafford Loan rate at the time the breach occurs.

34 Sec. 8. The board shall maintain complete and accurate records
35 in implementing the fund, including records of the following:

36 (1) The receipt, disbursement, and uses of money from the
37 fund.

38 (2) The number of applications for loan repayment assistance.

1 **(3) The number and amount of loans for which loan**
 2 **repayment assistance has been provided by the board.**

3 **(4) Other pertinent information requested by the board.**

4 **Sec. 9. The board may adopt rules under IC 4-22-2 necessary to**
 5 **carry out this chapter, including rules governing the enforcement**
 6 **of any employment requirements and repayment requirements.**

7 SECTION 57. IC 20-18-2-22, AS ADDED BY HEA 1288-2005,
 8 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2005]: Sec. 22. (a) "Teacher" means a professional person
 10 whose position in a school corporation requires certain ~~teacher training~~
 11 preparations **educational preparation** and licensing.

12 (b) For purposes of IC 20-28, the term includes the following:

- 13 (1) A superintendent.
- 14 (2) A supervisor.
- 15 (3) A principal.
- 16 (4) An attendance officer.
- 17 (5) A teacher.
- 18 (6) A librarian.

19 SECTION 58. IC 20-20-31-10, AS ADDED BY HEA 1288-2005,
 20 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2005]: Sec. 10. The state board shall approve an evaluation
 22 system for professional development based on recommendations from
 23 the department and the **advisory board of the division of** professional
 24 standards ~~board~~ established by ~~IC 20-28-2-1~~ **IC 20-28-2-2**. The
 25 department shall develop a means for measuring successful programs
 26 and activities in which schools participate. The measurements must
 27 include the following:

- 28 (1) A mechanism to identify and develop strategies to collect
 29 multiple forms of data that reflect the achievement of expectations
 30 for all students. The data may include the results of ISTEP
 31 program tests under IC 20-31-3, IC 20-32-4, IC 20-32-5, and
 32 IC 20-32-6, local tests, classroom work, and teacher and
 33 administrator observations.
- 34 (2) A procedure for using collected data to make decisions.
- 35 (3) A method of evaluation in terms of educator's practice and
 36 student learning, including standards for effective teaching and
 37 effective professional development.

38 SECTION 59. IC 20-24-8-4, AS ADDED BY HEA 1288-2005,

SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. Except as specifically provided in this article and the statutes listed in section 5 of this chapter, the following do not apply to a charter school:

- (1) An Indiana statute applicable to a governing body or school corporation.
- (2) A rule or guideline adopted by the state board.
- (3) A rule or guideline adopted by the **advisory board of the division of professional standards board of the department** established by ~~IC 20-28-2-1(a)~~, **IC 20-28-2-2**, except for those rules that assist a teacher in gaining or renewing a standard or advanced license.
- (4) A local regulation or policy adopted by a school corporation unless specifically incorporated in the charter.

SECTION 60. IC 20-26-11-11, AS ADDED BY HEA 1288-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) A school corporation may enter into an agreement with:

- (1) a nonprofit corporation that operates a federally approved education program; or
- (2) a nonprofit corporation that:
 - (A) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code;
 - (B) for its classroom instruction, employs teachers who are certified by the **professional standards board; department;**
 - (C) employs other professionally and state licensed staff as appropriate; and
 - (D) educates children who:
 - (i) have been suspended, expelled, or excluded from a public school in that school corporation and have been found to be emotionally disturbed;
 - (ii) have been placed with the nonprofit corporation by court order;
 - (iii) have been referred by a local health department; or
 - (iv) have been placed in a state licensed private or public health care or child care facility as described in section 8(b) of this chapter;

in order to provide a student with an individualized education program

1 that is the most suitable educational program available.

2 (b) If a school corporation that is a transferee corporation enters into
3 an agreement as described in subsection (a), the school corporation
4 shall pay to the nonprofit corporation an amount agreed upon from the
5 transfer tuition of the student. The amount agreed upon may not exceed
6 the transfer tuition costs that otherwise would be payable to the
7 transferee corporation.

8 (c) If a school corporation that is a transferor corporation enters into
9 an agreement as described in subsection (a), the school corporation
10 shall pay to the nonprofit corporation an amount agreed upon, which
11 may not exceed the transfer tuition costs that otherwise would be
12 payable to a transferee school corporation.

13 SECTION 61. IC 20-28-1-1.5 IS ADDED TO THE INDIANA
14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2005]: **Sec. 1.5. "Advisory board" refers to**
16 **the advisory board of the division of professional standards**
17 **established by IC 20-28-2-2.**

18 SECTION 62. IC 20-28-1-2, AS ADDED BY HEA 1288-2005,
19 SECTION 12, IS AMENDED TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2005]: Sec. 2. "Applicant" refers to an applicant
21 for:

- 22 (1) a new license;
- 23 (2) a renewal license; or
- 24 (3) a substitute teacher certificate;

25 issued by the ~~board~~ **department**.

26 SECTION 63. IC 20-28-1-5.5 IS ADDED TO THE INDIANA
27 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2005]: **Sec. 5.5 "Division" refers to the**
29 **division of professional standards of the department of education**
30 **established by IC 20-28-2-1.5.**

31 SECTION 64. IC 20-28-1-7, AS ADDED BY HEA 1288-2005,
32 SECTION 12, IS AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2005]: Sec. 7. "License" refers to a document
34 issued by the ~~board~~ **department** that grants permission to serve as a
35 particular kind of teacher. The term includes any certificate or permit
36 issued by the ~~board~~ **department**.

37 SECTION 65. IC 20-28-2-1, AS ADDED BY HEA 1288-2005,
38 SECTION 12, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2005]: Sec. 1. ~~(a)~~ **Except as provided in section 6 of this chapter**, the professional standards board is established to govern teacher training and licensing programs. ~~(b)~~ Notwithstanding any other law, the board and the board's staff have **department has** the sole authority and responsibility for ~~making recommendations concerning and governing teacher training education~~ and teacher licensing matters, **including professional development.**

SECTION 66. IC 20-28-2-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 1.5. The division of professional standards is established within the department to administer the responsibilities of the department described in section 2 of this chapter.**

SECTION 67. IC 20-28-2-2, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) **The advisory board of the division of professional standards is established to advise the superintendent, the board, the department, and the division on matters concerning teacher education, licensing, and professional development.** The **advisory** board consists of nineteen (19) voting members.

(b) Except as otherwise provided, each voting member of the **advisory** board described in this subsection must be actively employed by a school corporation. Eighteen (18) members shall be appointed by the governor as follows:

(1) One (1) member must hold a license and be actively employed in a public school as an Indiana school superintendent.

(2) Two (2) members must:

(A) hold licenses as public school principals;

(B) be actively employed as public school principals; and

(C) be employed at schools having dissimilar grade level configurations.

(3) One (1) member must:

(A) hold a license as a special education director; and

(B) be actively employed as a special education director in:

(i) a school corporation; or

(ii) a public school special education cooperative.

(4) One (1) member must be a member of the governing body of

a school corporation but is not required to be actively employed by a school corporation or to hold an Indiana teacher's license.

(5) Three (3) members must meet the following conditions:

(A) Represent Indiana teacher ~~training~~ **education** units within Indiana public and private institutions of higher education.

(B) Hold a teacher's license but not necessarily an Indiana teacher's license.

(C) Be actively employed by the respective teacher ~~training~~ **education** units.

The members described in this subdivision are not required to be employed by a school corporation.

(6) Nine (9) members must be licensed and actively employed as Indiana public school teachers in the following categories:

(A) At least one (1) member must hold an Indiana standard early childhood education license.

(B) At least one (1) member must hold an Indiana teacher's license in elementary education.

(C) At least one (1) member must hold an Indiana teacher's license for middle/junior high school education.

(D) At least one (1) member must hold an Indiana teacher's license in high school education.

(7) One (1) member must be a member of the business community in Indiana but is not required to be actively employed by a school corporation or to hold an Indiana teacher's license.

(c) Each member described in subsection (b)(6) must be licensed and actively employed as a practicing teacher in at least one (1) of the following areas to be appointed:

(1) At least one (1) member must be licensed in special education.

(2) At least one (1) member must be licensed in vocational education.

(3) At least one (1) member must be employed and licensed in student services, which may include school librarians or psychometric evaluators.

(4) At least one (1) member must be licensed in social science education.

(5) At least one (1) member must be licensed in fine arts education.

(6) At least one (1) member must be licensed in English or

1 language arts education.

2 (7) At least one (1) member must be licensed in mathematics
3 education.

4 (8) At least one (1) member must be licensed in science education.

5 (d) At least one (1) member described in subsection (b) must be a
6 parent of a student enrolled in a public preschool or public school
7 within a school corporation in either kindergarten or any of grades 1
8 through 12.

9 (e) The state superintendent shall serve as an ex officio voting
10 member of the **advisory** board. The state superintendent may make
11 recommendations to the governor as to the appointment of members on
12 the **advisory** board.

13 SECTION 68. IC 20-28-2-3, AS ADDED BY HEA 1288-2005,
14 SECTION 12, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2005]: Sec. 3. The term of office for the
16 appointed members of the **advisory** board is four (4) years.

17 SECTION 69. IC 20-28-2-4, AS ADDED BY HEA 1288-2005,
18 SECTION 12, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2005]: Sec. 4. **The superintendent shall**
20 **appoint the chairperson director** of the **advisory** board, ~~shall be~~
21 ~~elected by a majority of the members of the board who shall be known~~
22 **as the secretary of professional standards**, from among the members
23 of the **advisory** board for a term of one (1) year. A member may be
24 ~~reelected~~ **reappointed** to serve as ~~a chairperson director~~ for
25 subsequent terms.

26 SECTION 70. IC 20-28-2-5, AS ADDED BY HEA 1288-2005,
27 SECTION 12, IS AMENDED TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2005]: (a) Each member of the **advisory** board
29 who is not a state employee is not entitled to the minimum salary per
30 diem provided by IC 4-10-11-2.1(b). The member is, however, entitled
31 to reimbursement for traveling expenses and other expenses actually
32 incurred in connection with the member's duties, as provided in the
33 state travel policies and procedures established by the Indiana
34 department of administration and approved by the budget agency.

35 (b) Each member of the **advisory** board who is a state employee is
36 entitled to reimbursement for traveling expenses and other expenses
37 actually incurred in connection with the member's duties, as provided
38 in the state travel policies and procedures established by the Indiana

1 department of administration and approved by the budget agency.

2 SECTION 71. IC 20-28-2-6, AS ADDED BY HEA 1288-2005,
3 SECTION 12, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) **Subject to subsection (c)**
5 **and** in addition to the powers and duties set forth in IC 20-20-22 or this
6 article, the **advisory** board ~~shall~~ **may** adopt rules under IC 4-22-2 to do
7 the following:

8 (1) Set standards for teacher licensing and ~~administer for the~~
9 **administration of** a professional licensing and certification
10 process **by the department.**

11 (2) Approve or disapprove teacher preparation programs.

12 (3) Set fees to be charged in connection with teacher licensing.

13 (4) Suspend, revoke, or reinstate teacher licenses.

14 (5) Enter into agreements with other states to acquire reciprocal
15 approval of teacher preparation programs.

16 (6) Set standards for teacher licensing concerning new subjects of
17 study.

18 (7) Evaluate work experience and military service concerning
19 higher education and experience equivalency.

20 (8) Perform any other action that:

21 (A) relates to the improvement of instruction in the public
22 schools through teacher education and professional
23 development through continuing education; and

24 (B) attracts qualified candidates for teacher ~~training~~ **education**
25 from among the high school graduates of Indiana.

26 (9) Set standards for endorsement of school psychologists as
27 independent practice school psychologists under IC 20-28-12.

28 (b) Notwithstanding subsection (a)(1), an individual is entitled to
29 one (1) year of occupational experience for purposes of obtaining an
30 occupational specialist certificate under this article for each year the
31 individual holds a license under IC 25-8-6.

32 **(c) Before publishing notice of the intent to adopt a rule under**
33 **IC 4-22-2, the advisory board must submit the proposed rule to the**
34 **state superintendent for approval. If the state superintendent**
35 **approves the rule, the advisory board may publish notice of the**
36 **intent to adopt the rule. If the state superintendent does not**
37 **approve the rule, the advisory board may not publish notice of the**
38 **intent to adopt the rule.**

SECTION 72. IC 20-28-2-7, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: (a) The ~~board~~ **department** may recommend to the general assembly for consideration measures relating to the ~~board's~~ **department's** powers and duties that improve the quality of teacher preparation or teacher licensing standards.

(b) The ~~board~~ **department** shall submit to the general assembly before November 1 of each year a report:

(1) detailing the findings and activities of the **department, the division, and the advisory** board; and

(2) including any recommendations developed ~~by the board~~ **under this chapter.**

A report under this subsection must in an electronic format under IC 5-14-6.

SECTION 73. IC 20-28-2-8, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: (a) The ~~board~~ **department** may, subject to approval by the budget agency, do the following **to administer the responsibilities of the department described in section 2 of this chapter:**

(1) Establish advisory committees the ~~board~~ **department** determines necessary.

(2) Expend funds made available to the ~~board~~ **department** according to policies established by the budget agency.

(b) The ~~board~~ **department** shall comply with the requirements for submitting a budget request to the budget agency as set forth in IC 4-12-1, **for funds to administer the responsibilities of the department described in section 2 of this chapter.**

SECTION 74. IC 20-28-2-9, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. IC 4-21.5 applies to orders issued by the ~~board~~ **department under this chapter.**

SECTION 75. IC 20-28-2-10 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 10. There is established the professional standards fund to be administered by the department. The fund consists of fees collected under this chapter. Money in the fund does not revert to the state general fund at the end of a state**

1 **fiscal year.**

2 SECTION 76. IC 20-28-3-1, AS ADDED BY HEA 1288-2005,
3 SECTION 12, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The ~~board~~ **department** shall:

5 (1) arrange a statewide system of professional instruction for
6 teacher ~~training~~ **education**;

7 (2) accredit and inspect teacher ~~training~~ **education** schools and
8 departments that comply with the rules of the ~~board~~ **department**;

9 (3) recommend and approve courses for the ~~training~~ **education** of
10 particular kinds of teachers in accredited schools and departments;
11 and

12 (4) specify the types of licenses for graduates of approved courses.

13 **(b) The department shall work with teacher education schools**
14 **and departments to develop a system of teacher education that**
15 **ensures individuals who graduate from the schools and**
16 **departments are able to meet the highest professional standards.**

17 SECTION 77. IC 20-28-3-2, AS ADDED BY HEA 1288-2005,
18 SECTION 12, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) An accredited school or
20 department may use the word "accredited" in advertising approved
21 courses and the types of teachers the school or department is accredited
22 to prepare. An accredited school or department may enter into the
23 student teaching agreements specified in IC 20-26-5.

24 (b) The ~~board~~ **department** shall revoke the right to use the word
25 "accredited" when an accredited school or department refuses to abide
26 by the **advisory** board's rules.

27 SECTION 78. IC 20-28-3-3, AS ADDED BY HEA 1288-2005,
28 SECTION 12, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The ~~board~~ **in consultation**
30 ~~with the~~ department, shall develop guidelines for use by accredited
31 teacher ~~training~~ **education** institutions and departments in preparing
32 individuals to teach in various environments.

33 (b) The guidelines developed under subsection (a) must include
34 courses and methods that assist individuals in developing cultural
35 competency (as defined in IC 20-31-2-5).

36 SECTION 79. IC 20-28-4-3, AS ADDED BY HEA 1288-2005,
37 SECTION 12, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2005]: Sec. 3. Subject to the requirements of

1 this chapter, the **board department** shall develop and administer the
 2 program. The **board department** shall determine the details of the
 3 program that are not included in this chapter.

4 SECTION 80. IC 20-28-4-4, AS ADDED BY HEA 1288-2005,
 5 SECTION 12, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2005]: Sec. 4. Each accredited teacher **training**
 7 **education** school and department in Indiana shall establish a course of
 8 study that constitutes the higher education component of the program.
 9 The higher education component required under this section must
 10 comply with the following requirements:

11 (1) Include the following study requirements:

12 (A) For a program participant who seeks to obtain a license to
 13 teach in grades 6 through 12, up to eighteen (18) credit hours
 14 of study or the equivalent that prepare a program participant to
 15 meet Indiana standards for teaching in the subject areas
 16 corresponding to the area in which the program participant has
 17 met the education requirements under section 5 of this chapter,
 18 unless the program participant demonstrates that the program
 19 participant requires fewer credit hours of study to meet Indiana
 20 standards for teaching.

21 (B) For a program participant who seeks to obtain a license to
 22 teach in kindergarten through grade 5, twenty-four (24) credit
 23 hours of study or the equivalent, which must include at least
 24 six (6) credit hours in teaching reading, that prepare a program
 25 participant to meet Indiana standards for teaching, unless the
 26 program participant demonstrates that the program participant
 27 requires fewer credit hours of study to meet Indiana standards
 28 for teaching.

29 (2) Focus on the communication of knowledge to students.

30 (3) Include suitable field or classroom experiences if the program
 31 participant does not have teaching experience.

32 SECTION 81. IC 20-28-4-6, AS ADDED BY HEA 1288-2005,
 33 SECTION 12, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2005]: Sec. 6. The **board department** shall
 35 grant an initial standard license to a program participant who does the
 36 following:

37 (1) Successfully completes the higher education component of the
 38 program.

(2) Demonstrates proficiency through a written examination in:

- (A) basic reading, writing, and mathematics;
- (B) pedagogy; and
- (C) knowledge of the areas in which the program participant is required to have a license to teach;

under IC 20-28-5-12(b).

(3) Participates successfully in a beginning teacher internship program under IC 20-6.1-8 (repealed) that includes implementation in a classroom of the teaching skills learned in the higher education component of the program.

(4) Receives a successful assessment of teaching skills upon completion of the beginning teacher internship program under subdivision (3) from the administrator of the school where the beginning teacher internship program takes place, or, if the program participant does not receive a successful assessment, ~~participates~~ **continues participating** in the beginning teacher internship program. ~~for a second year as provided under IC 20-6.1-8-13 (repealed). The appeals provisions of IC 20-6.1-8-14 (repealed) apply to an assessment under this subdivision.~~

SECTION 82. IC 20-28-4-7, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. This section applies to a program participant who has a degree described in section 5 of this chapter that does not include all the content areas of a standard license issued by the ~~board~~ **department**. The ~~board~~ **department** shall issue an initial standard license that is restricted to only the content areas in which the program participant has a degree unless the program participant demonstrates sufficient knowledge in other content areas of the license.

SECTION 83. IC 20-28-4-10, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The **advisory** board may adopt rules under IC 4-22-2 to administer this chapter.

(b) Rules adopted under this section must include a requirement that accredited teacher ~~training~~ **education** schools and departments in Indiana submit an annual report to the ~~board~~ **department** of the number of individuals who:

- (1) enroll in; and

1 (2) complete;
2 the program.

3 SECTION 84. IC 20-28-5-1, AS ADDED BY HEA 1288-2005,
4 SECTION 12, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2005]: Sec. 1. The ~~board~~ **department** is
6 responsible for the licensing of teachers.

7 SECTION 85. IC 20-28-5-2, AS ADDED BY HEA 1288-2005,
8 SECTION 12, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2005]: Sec. 2. The **advisory** board may adopt
10 rules for:

- 11 (1) the issuance of a substitute teacher's license; and
- 12 (2) the employment of substitute teacher licensees.

13 An individual may not serve as a substitute teacher without a license
14 issued by the ~~board~~ **department**.

15 SECTION 86. IC 20-28-5-3, AS ADDED BY HEA 1288-2005,
16 SECTION 12, IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The ~~board~~ **department** shall
18 designate:

- 19 (1) the grade point average required for each type of license; and
- 20 (2) the types of licenses to which the teachers' minimum salary
21 laws apply, including nonrenewable one (1) year limited licenses.

22 (b) The ~~board~~ **department** shall determine details of licensing not
23 provided in this chapter, including requirements regarding the
24 following:

- 25 (1) The conversion of one (1) type of license into another.
- 26 (2) The accreditation of teacher ~~training~~ **education** schools and
27 departments.
- 28 (3) The exchange and renewal of licenses.
- 29 (4) The endorsement of another state's license.
- 30 (5) The acceptance of credentials from teacher ~~training~~ **education**
31 institutions of another state.
- 32 (6) The academic and professional preparation for each type of
33 license.
- 34 (7) The granting of permission to teach a high school subject area
35 related to the subject area for which the teacher holds a license.
- 36 (8) The issuance of licenses on credentials.
- 37 (9) The type of license required for each school position.
- 38 (10) The size requirements for an elementary school requiring a

1 licensed principal.

2 (11) Any other related matters.

3 The **board department** shall establish at least one (1) system for
4 renewing a teaching license that does not require a graduate degree.

5 (c) The **board department** shall periodically publish bulletins
6 regarding:

7 (1) the details described in subsection (b);

8 (2) information on the types of licenses issued;

9 (3) the rules governing the issuance of each type of license; and

10 (4) other similar matters.

11 SECTION 87. IC 20-28-5-3.5 IS ADDED TO THE INDIANA
12 CODE AS A NEW SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2005]: **Sec. 3.5. Beginning July 1, 2005, the**
14 **department, before issuing an initial teaching license at any grade**
15 **level to an undergraduate applicant for an initial teaching license,**
16 **shall require the applicant to show evidence that the applicant**
17 **meets one (1) of the following criteria:**

18 (1) **Has successfully completed a course approved by the**
19 **board in:**

20 (A) **cardiopulmonary resuscitation that includes a test**
21 **demonstration on a mannequin;**

22 (B) **removing a foreign body causing an obstruction in an**
23 **airway; and**

24 (C) **the Heimlich maneuver.**

25 (2) **Holds a valid certification in the procedures described in**
26 **subdivision (1) issued by:**

27 (A) **the American Red Cross;**

28 (B) **the American Heart Association; or**

29 (C) **a comparable organization or institution approved by**
30 **the board.**

31 (3) **Has physical limitations that make it impracticable for the**
32 **applicant to complete the course and certification required**
33 **under subdivisions (1) and (2).**

34 SECTION 88. IC 20-28-5-7, AS ADDED BY HEA 1288-2005,
35 SECTION 12, IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2005]: Sec. 7. On the written recommendation
37 of the state superintendent, the **board department** may suspend or
38 revoke a license for:

- 1 (1) immorality;
- 2 (2) misconduct in office;
- 3 (3) incompetency; or
- 4 (4) willful neglect of duty.

5 For each suspension or revocation, the ~~board~~ **department** shall comply
6 with IC 4-21.5-3.

7 SECTION 89. IC 20-28-5-8, AS ADDED BY HEA 1288-2005,
8 SECTION 12, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) This section applies when a
10 prosecuting attorney knows that a licensed employee of a public school
11 or a nonpublic school has been convicted of an offense listed in
12 subsection (c). The prosecuting attorney shall immediately give written
13 notice of the conviction to the following:

- 14 (1) The state superintendent.
- 15 (2) Except as provided in subdivision (3), the superintendent of
16 the school corporation that employs the licensed employee or the
17 equivalent authority if a nonpublic school employs the licensed
18 employee.
- 19 (3) The presiding officer of the governing body of the school
20 corporation that employs the licensed employee, if the convicted
21 licensed employee is the superintendent of the school corporation.

22 (b) The superintendent of a school corporation, presiding officer of
23 the governing body, or equivalent authority for a nonpublic school shall
24 immediately notify the state superintendent when the individual knows
25 that a current or former licensed employee of the public school or
26 nonpublic school has been convicted of an offense listed in subsection
27 (c).

28 (c) The ~~board~~, **department**, after holding a hearing on the matter,
29 shall permanently revoke the license of a person who is known by the
30 ~~board~~ **department** to have been convicted of any of the following
31 felonies:

- 32 (1) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen
33 (18) years of age.
- 34 (2) Criminal confinement (IC 35-42-3-3), if the victim is less than
35 eighteen (18) years of age.
- 36 (3) Rape (IC 35-42-4-1), if the victim is less than eighteen (18)
37 years of age.
- 38 (4) Criminal deviate conduct (IC 35-42-4-2), if the victim is less

1 than eighteen (18) years of age.

2 (5) Child molesting (IC 35-42-4-3).

3 (6) Child exploitation (IC 35-42-4-4(b)).

4 (7) Vicarious sexual gratification (IC 35-42-4-5).

5 (8) Child solicitation (IC 35-42-4-6).

6 (9) Child seduction (IC 35-42-4-7).

7 (10) Sexual misconduct with a minor (IC 35-42-4-9).

8 (11) Incest (IC 35-46-1-3), if the victim is less than eighteen (18)
9 years of age.

10 (12) Dealing in or manufacturing cocaine, a narcotic drug, or
11 methamphetamine (IC 35-48-4-1).

12 (13) Dealing in a schedule I, II, or III controlled substance (IC
13 35-48-4-2).

14 (14) Dealing in a schedule IV controlled substance (IC
15 35-48-4-3).

16 (15) Dealing in a schedule V controlled substance (IC 35-48-4-4).

17 (16) Dealing in a counterfeit substance (IC 35-48-4-5).

18 (17) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10(b)).

19 (d) A license may be suspended by the state superintendent as
20 specified in IC 20-28-7-7.

21 SECTION 90. IC 20-28-5-9, AS ADDED BY HEA 1288-2005,
22 SECTION 12, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) An applicant must do the
24 following:

25 (1) Submit a request to the Indiana central repository for limited
26 criminal history information under IC 10-13-3.

27 (2) Obtain a copy of the limited criminal history for the applicant
28 from the repository's records.

29 (3) Submit to the **board department** the limited criminal history
30 for the applicant.

31 (4) Submit to the **board department** a document verifying a
32 disposition that does not appear on the limited criminal history for
33 the applicant.

34 (b) The **board department** may deny the issuance of a license or
35 certificate to an applicant who is convicted of an offense for which the
36 individual's license may be revoked or suspended under this chapter.

37 (c) The **board department** must use the information obtained under
38 this section in accordance with IC 10-13-3-29.

1 (d) An applicant is responsible for all costs associated with meeting
2 the requirements of this section.

3 SECTION 91. IC 20-28-5-10, AS ADDED BY HEA 1288-2005,
4 SECTION 12, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The **board department** shall
6 keep a record of:

- 7 (1) all licenses issued;
- 8 (2) all licenses in force; and
- 9 (3) the academic preparation, professional preparation, and
10 teaching experience of each applicant for a license or a license
11 renewal.

12 (b) A superintendent of a school corporation shall register and keep
13 a record of the following for each licensed teacher employed by the
14 school corporation:

- 15 (1) The type of license held by the teacher.
- 16 (2) The teacher's date of first employment.
- 17 (3) The teacher's annual or monthly salary.

18 SECTION 92. IC 20-28-5-11, AS ADDED BY HEA 1288-2005,
19 SECTION 12, IS AMENDED TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) This section does not apply
21 to an individual who, on September 1, 1985, has earned more than the
22 equivalent of twelve (12) semester hours of graduate credit.

23 (b) The **board department** may not renew the junior high/middle
24 school or secondary education license of a teacher on the basis of the
25 teacher obtaining a graduate degree unless the teacher completes at
26 least the equivalent of eighteen (18) semester hours beyond the
27 teacher's undergraduate degree in any combination of courses in the
28 teacher's major, minor, primary, supporting, or endorsement areas. The
29 semester hours may include graduate hours or undergraduate hours, or
30 both, as determined by the board.

31 (c) The **advisory** board may:

- 32 (1) adopt rules under IC 4-22-2 to create exceptions to the
33 requirements under subsection (b); and
- 34 (2) waive the requirements under subsection (b) on an individual
35 basis.

36 SECTION 93. IC 20-28-5-12, AS ADDED BY HEA 1288-2005,
37 SECTION 12, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2005]: Sec. 12. (a) Subsection (b) does not

1 apply to an individual who held an Indiana limited, reciprocal, or
2 standard teaching license on June 30, 1985.

3 (b) The ~~board~~ **department** may not grant an initial standard license
4 to an individual unless the individual has demonstrated proficiency in
5 the following areas on a written examination or through other
6 procedures prescribed by the ~~board~~ **department**:

7 (1) Basic reading, writing, and mathematics.

8 (2) Pedagogy.

9 (3) Knowledge of the areas in which the individual is required to
10 have a license to teach.

11 (4) If the individual is seeking to be licensed as an elementary
12 school teacher, comprehensive reading instruction skills,
13 including:

14 (A) phonemic awareness; and

15 (B) phonics instruction.

16 (c) **Each individual who completes a written examination**
17 **described in subsection (b) must receive the following from the**
18 **examination's scorer:**

19 (1) **The individual's total test score.**

20 (2) **Subscores for each area tested.**

21 (3) **Itemized descriptions of the areas in which the individual**
22 **was found to be deficient.**

23 (d) **This subsection applies to an individual who has attempted**
24 **the written examination described in subsection (b) at least two (2)**
25 **times and has failed to demonstrate proficiency in a test area by not**
26 **more than two (2) points. An individual to whom this subsection**
27 **applies may demonstrate proficiency in a test area described in this**
28 **subsection by having the teacher education school or department**
29 **in which the individual is a student certify to the department that,**
30 **based upon the individual's coursework, grades, fieldwork, and**
31 **student teaching, and evaluations by the individual's instructors,**
32 **the individual possesses the content knowledge assessed in the**
33 **written examination.**

34 ~~(c)~~ (e) An individual's license examination score may not be
35 disclosed by the ~~board~~ **department** without the individual's consent
36 unless specifically required by state or federal statute or court order.

37 ~~(d)~~ (f) The **advisory** board shall adopt rules under IC 4-22-2 to do
38 the following:

(1) Adopt, validate, and implement the examination or other procedures required by subsection (b).

(2) Establish examination scores indicating proficiency.

(3) Otherwise carry out the purposes of this section.

~~(c)~~ **(g)** The board shall adopt rules under IC 4-22-2 establishing the conditions under which the requirements of this section may be waived for ~~individuals~~ **an individual** holding a valid ~~teachers' licenses~~ **teacher's license** issued by another state.

SECTION 94. IC 20-28-5-14, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. If the ~~board~~ **department** is notified by the department of state revenue that an individual is on the most recent tax warrant list, the ~~board~~ **department** may not grant an initial standard license to the individual until:

(1) the individual provides the ~~board~~ **department** with a statement from the department of state revenue indicating that the individual's delinquent tax liability has been satisfied; or

(2) the ~~board~~ **department** receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

SECTION 95. IC 20-28-9-1, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A teacher's minimum salary each school year must be computed based on the teacher's ~~training,~~ **education**, experience, and degree completed as of the teacher's first day of service.

(b) If a teacher is licensed by the ~~board~~ **department** on:

(1) the first day of service in the current school year; or

(2) another date as agreed by the school employer and the exclusive representative under IC 20-29;

the teacher's minimum salary is computed under section 2 of this chapter.

SECTION 96. IC 20-28-9-2, AS ADDED BY HEA 1288-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. A teacher's minimum salary for service during a nine (9) month school term is computed as follows:

(1) For a teacher who has completed four (4) years or one hundred forty-four (144) weeks of professional ~~training,~~ **education**, five

- 1 thousand two hundred dollars (\$5,200), plus:
- 2 (A) an additional increment of one hundred fifty dollars (\$150)
- 3 after each of the first ten (10) years of experience; and
- 4 (B) an additional increment of two hundred fifty dollars (\$250)
- 5 after each of the following years of experience:
- 6 (i) The fifteenth.
- 7 (ii) The twentieth.
- 8 (2) For a teacher who has completed five (5) years or one hundred
- 9 eighty (180) weeks of professional ~~training~~, **education**, five
- 10 thousand five hundred dollars (\$5,500), plus:
- 11 (A) an additional increment of one hundred fifty dollars (\$150)
- 12 after each of the first eighteen (18) years of experience; and
- 13 (B) an additional increment of three hundred dollars (\$300)
- 14 after each of the following years of experience:
- 15 (i) The nineteenth.
- 16 (ii) The twentieth.
- 17 (iii) The twenty-second.
- 18 (iv) The twenty-fourth.
- 19 (v) The twenty-sixth.
- 20 (vi) The thirtieth.
- 21 (3) For a teacher who has completed less than four (4) years of
- 22 professional ~~training~~, **education**, four thousand seven hundred
- 23 dollars (\$4,700), plus an additional increment of one hundred
- 24 twenty dollars (\$120) after each of the first ten (10) years of
- 25 experience.
- 26 SECTION 97. IC 20-28-9-4, AS ADDED BY HEA 1288-2005,
- 27 SECTION 12, IS AMENDED TO READ AS FOLLOWS
- 28 [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The ~~board~~ **department** shall
- 29 require each teacher to hold:
- 30 (1) a bachelor's degree from an accredited teacher ~~training~~
- 31 **education** institution to qualify for the first time for classification
- 32 under section 2(1) of this chapter; and
- 33 (2) a master's degree to qualify for the first time for classification
- 34 under section 2(2) of this chapter.
- 35 (b) A teacher may not receive credit for five (5) years of ~~training~~
- 36 **education** under section 2(2) of this chapter unless the teacher has
- 37 completed at least a bachelor's degree.
- 38 SECTION 98. IC 20-28-9-7, AS ADDED BY HEA 1288-2005,

SECTION 12, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2005]: Sec. 7. (a) An individual who:

(1) holds:

- (A) a professional license;
 - (B) a provisional license;
 - (C) a limited license; or
 - (D) an equivalent license issued by the ~~board~~; **department**;
- and

(2) serves as an occasional substitute teacher;

shall be compensated on the pay schedule for substitutes of the school corporation the individual serves.

(b) An individual who:

(1) holds a:

- (A) professional license; or
- (B) provisional license; and

(2) serves as a substitute teacher in the same teaching position for more than fifteen (15) consecutive school days;

shall be compensated on the regular pay schedule for teachers of the school corporation the individual serves.

SECTION 99. IC 20-28-12-3, AS ADDED BY HEA 1288-2005,
SECTION 12, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2005]: Sec. 3. An individual who applies for an endorsement as an independent practice school psychologist must meet the following requirements:

(1) Be licensed as a school psychologist by the ~~board~~; **department**.

(2) Be employed by a:

- (A) developmental center;
- (B) state hospital;
- (C) public or private hospital;
- (D) mental health center;
- (E) rehabilitation center;
- (F) private school; or
- (G) public school;

at least thirty (30) hours per week during the contract period unless the individual is retired from full-time or part-time employment as a school psychologist or the individual has a medical condition or physical disability that restricts the mobility

- 1 required for employment in a school setting.
- 2 (3) Furnish satisfactory evidence to the ~~board~~ **department** that the
- 3 applicant has received at least a sixty (60) semester hour master's
- 4 or specialist degree in school psychology from:
- 5 (A) a recognized institution of higher learning; or
- 6 (B) an educational institution not located in the United States
- 7 that has a program of study that meets the standards of the
- 8 ~~board~~ **department**.
- 9 (4) Furnish satisfactory evidence to the ~~board~~ **department** that the
- 10 applicant has demonstrated graduate level competency through the
- 11 successful completion of course work and a practicum in the areas
- 12 of assessment and counseling.
- 13 (5) Furnish satisfactory evidence to the ~~board~~ **department** that the
- 14 applicant has at least one thousand two hundred (1,200) hours of
- 15 school psychology experience beyond the master's degree level.
- 16 At least six hundred (600) hours must be in a school setting under
- 17 the supervision of any of the following:
- 18 (A) A physician licensed under IC 25-22.5.
- 19 (B) A psychologist licensed under IC 25-33.
- 20 (C) A school psychologist endorsed under this chapter.
- 21 (6) Furnish satisfactory evidence to the ~~board~~ **department** that the
- 22 applicant has completed, in addition to the requirements in
- 23 subdivision (5), at least four hundred (400) hours of supervised
- 24 experience in identification and referral of mental and behavioral
- 25 disorders, including at least one (1) hour each week of direct
- 26 personal supervision by a:
- 27 (A) physician licensed under IC 25-22.5;
- 28 (B) psychologist licensed under IC 25-33; or
- 29 (C) school psychologist endorsed under this chapter;
- 30 with at least ten (10) hours of direct personal supervision.
- 31 (7) Furnish satisfactory evidence to the ~~board~~ **department** that the
- 32 applicant has completed, in addition to the requirements of
- 33 subdivisions (5) and (6), fifty-two (52) hours of supervision with
- 34 a physician licensed under IC 25-22.5, a psychologist licensed
- 35 under IC 25-33, or a school psychologist endorsed under this
- 36 chapter that meets the following requirements:
- 37 (A) The fifty-two (52) hours must be completed within at least
- 38 twenty-four (24) consecutive months but not less than twelve

- 1 (12) months.
- 2 (B) Not more than one (1) hour of supervision may be included
- 3 in the total for each week.
- 4 (C) At least nine hundred (900) hours of direct client contact
- 5 must take place during the total period under clause (A).
- 6 (8) Furnish satisfactory evidence to the ~~board~~ **department** that the
- 7 applicant does not have a conviction for a crime that has a direct
- 8 bearing on the applicant's ability to practice competently.
- 9 (9) Furnish satisfactory evidence to the ~~board~~ **department** that the
- 10 applicant has not been the subject of a disciplinary action by a
- 11 licensing or certification agency of any jurisdiction on the grounds
- 12 that the applicant was not able to practice as a school psychologist
- 13 without endangering the public.
- 14 (10) Pass the examination provided by the ~~board~~ **department**.
- 15 SECTION 100. IC 20-30-5-6, AS ADDED BY HEA 1288-2005,
- 16 SECTION 14, IS AMENDED TO READ AS FOLLOWS
- 17 [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) This section applies only to
- 18 public schools.
- 19 (b) As used in this section, "good citizenship instruction" means
- 20 integrating instruction into the current curriculum that stresses the
- 21 nature and importance of the following:
- 22 (1) Being honest and truthful.
- 23 (2) Respecting authority.
- 24 (3) Respecting the property of others.
- 25 (4) Always doing the student's personal best.
- 26 (5) Not stealing.
- 27 (6) Possessing the skills (including methods of conflict resolution)
- 28 necessary to live peaceably in society and not resorting to
- 29 violence to settle disputes.
- 30 (7) Taking personal responsibility for obligations to family and
- 31 community.
- 32 (8) Taking personal responsibility for earning a livelihood.
- 33 (9) Treating others the way the student would want to be treated.
- 34 (10) Respecting the national flag, the Constitution of the United
- 35 States, and the Constitution of the State of Indiana.
- 36 (11) Respecting the student's parents and home.
- 37 (12) Respecting the student's self.
- 38 (13) Respecting the rights of others to have their own views and

1 religious beliefs.

2 (c) The department shall:

3 (1) identify; and

4 (2) make available;

5 models of conflict resolution instruction to school corporations. The
6 instruction may consist of a teacher ~~training~~ **education** program that
7 applies the techniques to the students in the classroom to assist school
8 corporations in complying with this section.

9 SECTION 101. IC 20-30-5-14, AS ADDED BY HEA 1288-2005,
10 SECTION 14, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) To:

12 (1) educate students on the importance of their future career
13 choices;

14 (2) prepare students for the realities inherent in the work
15 environment; and

16 (3) instill in students work values that will enable them to succeed
17 in their respective careers;

18 each school within a school corporation shall include in the school's
19 curriculum for all students in grades 1 through 12 instruction
20 concerning employment matters and work values.

21 (b) Each school shall:

22 (1) integrate within the curriculum instruction that is; or

23 (2) conduct activities or special events periodically that are;

24 designed to foster overall career awareness and career development as
25 described in subsection (a).

26 (c) The department shall develop career awareness and career
27 development models as described in subsection (d) to assist schools in
28 complying with this section.

29 (d) The models described in this subsection must be developed in
30 accordance with the following:

31 (1) For grades 1 through 5, career awareness models to introduce
32 students to work values and basic employment concepts.

33 (2) For grades 6 through 8, initial career information models that
34 focus on career choices as they relate to student interest and skills.

35 (3) For grades 9 through 10, career exploration models that offer
36 students insight into future employment options.

37 (4) For grades 11 through 12, career preparation models that
38 provide job or further education counseling, including the

1 following:

2 (A) Initial job counseling, including the use of job service
3 officers to provide school based assessment, information, and
4 guidance on employment options and the rights of students as
5 employees.

6 (B) Workplace orientation visits.

7 (C) On-the-job experience exercises.

8 (e) The department, with assistance from the department of labor
9 and the department of workforce development, shall:

10 (1) develop and make available teacher guides; and

11 (2) conduct seminars or other teacher ~~training~~ **education**
12 activities;

13 to assist teachers in providing the instruction described in this section.

14 (f) The department shall, with assistance from the department of
15 workforce development, design and implement innovative career
16 preparation demonstration projects for students in at least grade 9.

17 SECTION 102. IC 20-30-7-8, AS ADDED BY HEA 1288-2005,
18 SECTION 14, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2005]: Sec. 8. Except as provided in section 9
20 of this chapter, an instructor for an educational program described in
21 section 7 of this chapter must be:

22 (1) licensed under IC 20-28; or

23 (2) granted a substitute teacher's license by the ~~professional~~
24 ~~standards board~~ **department**.

25 SECTION 103. IC 20-30-7-9, AS ADDED BY HEA 1288-2005,
26 SECTION 14, IS AMENDED TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2005]: Sec. 9. If the superintendent of the
28 school corporation that is the local education agency determines that:

29 (1) a qualified licensed teacher is not available from the entities
30 entering into an agreement under section 5 of this chapter; and

31 (2) a qualified postsecondary instructor is available;

32 to instruct in an educational program described in section 7 of this
33 chapter, the superintendent may request the ~~professional standards~~
34 ~~board~~ **department** to issue a substitute teacher's license to the
35 instructor of an educational program described in section 7 of this
36 chapter.

37 SECTION 104. IC 20-30-7-10, AS ADDED BY HEA 1288-2005,
38 SECTION 14, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2005]: Sec. 10. If the ~~professional standards board~~ **department** finds that a qualified licensed teacher is not available from the entities entering into an agreement under section 5 of this chapter to instruct in an educational program described in section 7 of this chapter, the ~~professional standards board~~ **department** may issue a substitute teacher's license to the instructor of an educational program described in section 7 of this chapter.

SECTION 105. IC 20-31-6-1, AS ADDED BY HEA 1288-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The department ~~in consultation with the professional standards board~~, shall develop and make available to school corporations and nonpublic schools materials that assist teachers, administrators, and staff in a school in developing cultural competency for use in providing professional and staff development programs.

SECTION 106. IC 20-32-5-1, AS ADDED BY HEA 1288-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The purposes of the ISTEP program developed under this chapter are as follows:

- (1) To assess the strengths and weaknesses of school performance.
- (2) To assess the effects of state and local educational programs.
- (3) To compare achievement of Indiana students to achievement of students on a national basis.
- (4) To provide a source of information for state and local decision makers with regard to educational matters, including the following:
 - (A) The overall academic progress of students.
 - (B) The need for new or revised educational programs.
 - (C) The need to terminate existing educational programs.
 - (D) Student readiness for postsecondary school experiences.
 - (E) Overall curriculum development and revision activities.
 - (F) Identifying students who may need remediation under IC 20-32-8.
 - (G) Diagnosing individual student needs.
 - (H) Teacher ~~training~~ **education** and staff development activities.

SECTION 107. IC 20-32-5-4, AS ADDED BY HEA 1288-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The state board shall:

(1) authorize the development and implementation of the ISTEP program; and

(2) determine the date, **which for school years beginning after June 30, 2006, must be during the first two (2) weeks that end in May of the school year**, on which the statewide testing is administered in each school corporation.

(b) The state superintendent is responsible for the overall development, implementation, and monitoring of the ISTEP program.

(c) The department shall prepare detailed design specifications for the ISTEP program that must do the following:

(1) Take into account the academic standards adopted under IC 20-31-3.

(2) Include testing of students' higher level cognitive thinking in each subject area tested.

(3) Provide for a pilot test for reliability and validation to be given during the first two (2) weeks that end in May 2006, and for the following schedule concerning the administration, scoring, and reporting of results, for school years beginning after June 30, 2006:

(A) Test administration conducted during the first two (2) weeks that end in May.

(B) Test scoring completed before June 16.

(C) Test results reported to teachers and parents before July 1.

(D) Yearly progress reported to parents and the federal government before July 16.

SECTION 108. IC 20-32-5-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
[EFFECTIVE UPON PASSAGE]: Sec. 4.5. (a) **Before August 2, 2005, the department shall develop a ten (10) year plan for student diagnostic and summative achievement assessment that must include a system that:**

(1) has as its purposes to:

(A) provide teachers with diagnostic assessment tools during the school year to determine whether each student is learning below, at, or above the academic standards for that grade and subject so that the teacher may direct

- 1 instruction accordingly;
- 2 (B) annually assess the progress of each student under the
- 3 academic standards toward the knowledge and skills
- 4 necessary for success in postsecondary education,
- 5 workplace education, and lifelong learning; and
- 6 (C) confirm before graduation that each student has the
- 7 knowledge and skills necessary for success in
- 8 postsecondary education, workplace education, and
- 9 lifelong learning.
- 10 (2) uses:
- 11 (A) a diagnostic assessment tool for language arts
- 12 (including English), mathematics, science, and social
- 13 studies in kindergarten through at least grade 8 to support
- 14 on-line, intra-year diagnostic assessments of individual or
- 15 collective students by teachers to assist efforts to accelerate
- 16 learning by students performing below expectations and
- 17 support further learning by students performing at or
- 18 above expectations;
- 19 (B) annual on-line end of the school year assessments for
- 20 grades 3 through 8 that assess whether students are
- 21 proficient in the subject matter of the grades in language
- 22 arts (including English), mathematics, science, and social
- 23 studies, as determined by the academic standards
- 24 applicable to the subjects and grades;
- 25 (C) on-line end of course assessments in grades 9 through
- 26 12 that assess whether students are proficient in the subject
- 27 matter of the courses in language arts (including English),
- 28 mathematics, science, and social studies, as determined by
- 29 the academic standards applicable to the subjects and
- 30 courses;
- 31 (D) a new graduation examination, effective at least for the
- 32 students expected to graduate at the end of the school year
- 33 beginning July 1, 2010, and ending June 30, 2011, that
- 34 confirms that the student has demonstrated the knowledge
- 35 and skills necessary for success in postsecondary education,
- 36 workplace education, and lifelong learning; and
- 37 (E) a separate written essay examination for each grade
- 38 that must be reported as a separate part of the assessment

- 1 results and that must be used independently by teachers
 2 and schools to determine whether the student is writing at
 3 a level commensurate with the needs and expectations of
 4 learning and communicating at that grade level;
- 5 (3) uses on-line testing to provide ease of use and timely return
 6 of results;
- 7 (4) supports an annual cycle of learning, assessment, and
 8 feedback that:
- 9 (A) provides on-line question banks and means for
 10 diagnostic assessments for teachers to use during the school
 11 year to assess whether students are performing below, at,
 12 or above expectations for each subject and grade;
- 13 (B) administers annual student assessments and graduate
 14 examinations during the first two (2) weeks that end in
 15 May each year;
- 16 (C) reports results to teachers, parents, communities, and
 17 the federal government before July 16 each year; and
- 18 (D) provides for a common method and means by which
 19 teachers shall grade the independent written essay.
- 20 (b) Before October 1, 2005, the department, the office of
 21 management and budget, and the attorney general shall develop
 22 specifications and a process for a long term contract with an
 23 assessment provider to implement the plan developed under this
 24 section. The department shall consult with postsecondary education
 25 and workplace employers in the state to ensure that the
 26 specifications comply with subsection (a)(1)(C). The department
 27 shall consult with superintendents in the state to ensure that the
 28 specifications comply with subsection (a)(2)(A). The specifications
 29 must comply with this section. The initial specifications must
 30 provide for pilot assessments to be given in the period during the
 31 first two (2) weeks that end in May 1, 2006, and annual assessments
 32 to be given during the first two (2) weeks of May 2007. The process
 33 must solicit interest from national and international assessment
 34 companies, put out a request for proposals, and solicit proposals
 35 for a plan to transition to the assessment system provided for in
 36 this section and manage the system, subject to the specifications,
 37 until the school year beginning July 1, 2016, and ending June 30,
 38 2017, notwithstanding any other law that limits the maximum term

of state contracts. Proposals received shall be reviewed jointly by the department and the office of management and budget, which shall jointly determine the successful bidder, subject to the approval of the attorney general for form and legality of the bid process. The bid process must be completed before January 1, 2006.

(c) If a successful bidder is selected, the pilot test contemplated by section 4(c)(3) of this chapter for the period during the first two (2) weeks that end in May 2006, shall be replaced by the pilot test contemplated by this section.

SECTION 109. IC 20-33-2-6, AS ADDED BY HEA 1288-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) A student is bound by the requirements of this chapter from the earlier of the date on which the student officially enrolls in a school or, except as provided in section 8 of this chapter, the beginning of the fall school term for the school year in which the student becomes seven (7) years of age until ~~the date on which the student~~ **meets one (1) of the following conditions, whichever occurs first:**

(1) Graduates.

(2) Becomes eighteen (18) years of age. ~~or~~

(3) Becomes sixteen (16) years of age but is less than eighteen (18) years of age and **meets** the requirements under ~~section 9~~ **section 9.5 or 12.5** of this chapter, ~~concerning an exit interview are met~~ enabling the student to withdraw from school before graduation.

~~whichever occurs first:~~

(b) A student who:

(1) enrolls in school before the fall school term for the school year in which the student becomes seven (7) years of age; and

(2) is withdrawn from school before the school year described in subdivision (1) occurs;

is not subject to the requirements of this chapter until the student is reenrolled as required in subsection (a). This chapter shall not be construed to require that a student complete grade 1 before the student becomes eight (8) years of age.

SECTION 110. IC 20-33-2-9, AS ADDED BY HEA 1288-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2005]: Sec. 9. ~~(a)~~ The governing body of each school corporation shall designate the appropriate employees of the school corporation to conduct the exit interviews for students described in section 6(a)(3) of this chapter. Each exit interview must be personally attended by:

- (1) the student's parent;
- (2) the student;
- (3) each designated appropriate school employee; and
- (4) the student's principal.

~~(b) A student who is at least sixteen (16) years of age but less than eighteen (18) years of age is bound by the requirements of compulsory school attendance and may not withdraw from school before graduation unless:~~

- ~~(1) the student, the student's parent, and the principal agree to the withdrawal; and~~
- ~~(2) at the exit interview, the student provides written acknowledgment of the withdrawal and the:~~
 - ~~(A) student's parent; and~~
 - ~~(B) school principal;~~
- ~~each provide written consent for the student to withdraw from school.~~

SECTION 111. IC 20-33-2-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2005]: Sec. 9.5. (a) **This section applies to an individual:**

- (1) who:**
 - (A) attends or last attended a public or nonpublic accredited school;**
 - (B) is at least sixteen (16) years of age but less than eighteen (18) years of age; and**
 - (C) has not completed the requirements for graduation;**
- (2) who:**
 - (A) wishes to withdraw from school before graduation;**
 - (B) fails to return at the beginning of a semester; or**
 - (C) stops attending school during a semester; and**
- (3) who has no record of transfer to another school.**

(b) An individual to whom this section applies may withdraw from school only if all the following conditions are met:

- 1 **(1) An exit interview is conducted.**
- 2 **(2) The individual's parent consents to the withdrawal.**
- 3 **(3) The school principal approves of the withdrawal.**
- 4 **(4) The withdrawal is because of financial hardship and the**
5 **individual is employed to support the individual's family or**
6 **dependents.**
- 7 **(5) The school principal provides to the student and the**
8 **student's parent a copy of statistics compiled by the**
9 **department concerning the likely consequences of life without**
10 **a high school diploma.**
- 11 **(6) The school principal advises the student and the student's**
12 **parent that a driver's license or learner's permit may be**
13 **revoked and may not be issued to the student upon the**
14 **student's withdrawal from school, for a reason other than**
15 **financial hardship.**
- 16 **(7) The school principal advises the student and the student's**
17 **parent that an employment certificate may be revoked and**
18 **may not be issued to the student upon the student's**
19 **withdrawal from school, for a reason other than financial**
20 **hardship.**
- 21 **(c) For purposes of this section, the following must be in written**
22 **form:**
- 23 **(1) An individual's request to withdraw from school.**
- 24 **(2) A parent's consent to a withdrawal.**
- 25 **(3) A principal's consent to a withdrawal.**
- 26 **(d) If the individual's principal does not consent to the**
27 **individual's withdrawal under this section, the individual's parent**
28 **may appeal the denial of consent to the governing body of the**
29 **public or nonpublic accredited school that the individual last**
30 **attended.**
- 31 **(e) Each public school, including each school corporation and**
32 **each charter school (as defined in IC 20-24-1-4), and each**
33 **nonpublic accredited school shall provide an annual report to the**
34 **department setting forth the following information:**
- 35 **(1) The total number of individuals:**
- 36 **(A) who withdrew from school under this section; and**
- 37 **(B) who either:**
- 38 **(i) failed to return to school at the beginning of a**

1 semester; or
 2 (ii) stopped attending school during a semester;
 3 and for whom there is no record of transfer to another
 4 school.

5 (2) The number of individuals who withdrew from school for
 6 the reason set forth in subsection (b)(4).

7 (f) If an individual to which this section applies:

8 (1) has not received consent to withdraw from school under
 9 this section; and

10 (2) fails to return to school at the beginning of a semester or
 11 during the semester;

12 the principal of the school that the individual last attended shall
 13 deliver by certified mail or personal delivery to the bureau of child
 14 labor a record of the individual's failure to return to school so that
 15 the bureau of child labor revokes any employment certificates
 16 issued to the individual and does not issue any additional
 17 employment certificates to the individual. For purposes of
 18 IC 20-33-3-13, the individual shall be considered a dropout.

19 (g) At the same time that a school principal delivers the record
 20 under subsection (f), the principal shall deliver by certified mail or
 21 personal delivery to the bureau of motor vehicles a record of the
 22 individual's failure to return to school so that the bureau of motor
 23 vehicles revokes any driver's license or learner's permit issued to
 24 the individual and does not issue any additional driver's licenses or
 25 learner's permits to the individual before the individual is at least
 26 eighteen (18) years of age. For purposes of IC 9-24-2-1, the
 27 individual shall be considered a dropout.

28 (h) If:

29 (1) a principal has delivered the record required under
 30 subsection (f) or subsection (g), or both; and

31 (2) the school subsequently gives consent to the individual to
 32 withdraw from school under this section,

33 the principal of the school shall send a notice of withdrawal to the
 34 bureau of child labor and the bureau of motor vehicles by certified
 35 mail or personal delivery. For purposes of IC 20-33-3-13 and
 36 IC 9-24-2-1, the individual shall no longer be considered a dropout.

37 SECTION 112. IC 20-33-2-11, AS ADDED BY HEA 1288-2005,
 38 SECTION 17, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2005]: Sec. 11. (a) Notwithstanding IC 9-24 concerning the minimum requirements for qualifying for the issuance of an operator's license or a learner's permit, and subject to subsections (c) through (e), an individual who is:

- (1) at least thirteen (13) years of age but less than fifteen (15) years of age;
- (2) a habitual truant under the definition of habitual truant established under subsection (b); and
- (3) identified in the information submitted to the bureau of motor vehicles under subsection (f);

may not be issued an operator's license or a learner's permit to drive a motor vehicle under IC 9-24 until the individual is at least eighteen (18) years of age.

(b) Each governing body shall establish and include as part of the written copy of its discipline rules described in IC 20-33-8-12:

- (1) a definition of a child who is designated as a habitual truant, **who must be defined at a minimum as a child who is chronically absent with more than ten (10) unexcused absences from school during one (1) school year;**
- (2) the procedures under which subsection (a) will be administered; and
- (3) all other pertinent matters related to this action.

(c) An individual described in subsection (a) is entitled to the procedure described in IC 20-33-8-19.

(d) An individual described in subsection (a) who is at least thirteen (13) years of age and less than eighteen (18) years of age is entitled to a periodic review of the individual's attendance record in school to determine whether the prohibition described in subsection (a) shall continue. The periodic reviews may not be conducted less than one (1) time each school year.

(e) Upon review, the governing body may determine that the individual's attendance record has improved to the degree that the individual may become eligible to be issued an operator's license or a learner's permit.

(f) Before:

- (1) February 1; and
- (2) October 1;

of each year the governing body of the school corporation shall submit

to the bureau of motor vehicles the pertinent information concerning an individual's ineligibility under subsection (a) to be issued an operator's license or a learner's permit.

(g) The department shall develop guidelines concerning criteria used in defining a habitual truant that may be considered by a governing body in complying with subsection (b).

SECTION 113. IC 20-33-2-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 12.5 (a) This section applies to an individual:**

(1) who:

(A) attends or last attended a nonpublic nonaccredited school;

(B) is at least sixteen (16) years of age but less than eighteen (18) years of age; and

(C) has not completed the requirements for graduation; and

(2) who:

(A) wishes to withdraw from school before graduation;

(B) fails to return at the beginning of a semester; or

(C) stops attending school during a semester.

(b) An individual to whom this section applies may withdraw from school only if the individual's principal and parent provide written consent.

SECTION 114. IC 20-33-2-41, AS ADDED BY HEA 1288-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 41. With the exception of ex officio attendance officers, an individual may not hold the position of attendance officer unless the individual has complied with all standards of the ~~professional standards board~~ **department** and has been properly licensed by ~~that body~~ **the department**.

SECTION 115. IC 20-33-3-13, AS ADDED BY HEA 1288-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. (a) **Except as provided in subsection (b)**, upon presentation to the issuing officer of the documents required by section 10 of this chapter, an employment certificate shall be issued immediately to the child. ~~However, an issuing officer may deny a certificate to a child:~~

1 ~~(1)~~ whose attendance is not in good standing; or
 2 ~~(2)~~ whose academic performance does not meet the school
 3 corporation's standard.

4 **(b) An employment certificate may not be issued to a student**
 5 **who meets any of the following conditions:**

6 **(1) Is a habitual truant under IC 20-33-2-11.**

7 **(2) Is under at least a second suspension from school for the**
 8 **school year under IC 20-33-8-14 or IC 20-33-8-15.**

9 **(3) Is under an expulsion from school under IC 20-33-8-14,**
 10 **IC 20-33-8-15, or IC 20-33-8-16.**

11 **(4) Is considered a dropout under IC 20-33-2-9.5.**

12 **(5) Does not meet the academic performance standards of the**
 13 **school corporation.**

14 ~~(b)~~ **(c)** Not more than five (5) days after issuing an employment
 15 certificate, the issuing officer shall send a copy of the employment
 16 certificate to the department of labor. The issuing officer shall keep a
 17 record in the issuing officer's office of each employment certificate
 18 issued.

19 ~~(c)~~ **(d)** A student may appeal the denial of a certificate under
 20 subsection (a) to the principal.

21 **(e) At least five (5) days before holding an exit interview under**
 22 **IC 20-33-2-9.5, the school corporation shall give notice by certified**
 23 **mail or personal delivery to the student or the student's parent of**
 24 **the following:**

25 **(1) That the exit interview will include a hearing to determine**
 26 **if the reason for the student's withdrawal is financial**
 27 **hardship.**

28 **(2) If the principal determines that the reason for the student's**
 29 **withdrawal is not financial hardship:**

30 **(A) the student and the student's parent will receive a copy**
 31 **of the determination; and**

32 **(B) the student's name will be submitted to the bureau of**
 33 **child labor by the student's school principal for the bureau**
 34 **of child labor's use in denying or invalidating an**
 35 **employment certificate under this section."**

36 Page 39, line 25, delete "IC 20-1-1.1-2." and insert "IC 20-19-3-1.".

37 Page 39, delete lines 26 through 42.

38 Delete pages 40 through 41.

1 Page 42, delete lines 1 through 7, begin a new paragraph and insert:
2 "SECTION 117. IC 25-33-1-3, AS AMENDED BY HEA
3 1288-2005, SECTION 196, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) There is created a board to be
5 known as the "state psychology board". The board shall consist of
6 seven (7) members appointed by the governor. Six (6) of the board
7 members shall be licensed under this article and shall have had at least
8 five (5) years of experience as a professional psychologist prior to their
9 appointment. The seventh member shall be appointed to represent the
10 general public, must be a resident of this state, must never have been
11 credentialed in a mental health profession, and must in no way be
12 associated with the profession of psychology other than as a consumer.
13 All members shall be appointed for a term of three (3) years. All
14 members may serve until their successors are duly appointed and
15 qualified. A vacancy occurring on the board shall be filled by the
16 governor by appointment. The member so appointed shall serve for the
17 unexpired term of the vacating member. Each member of the board is
18 entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b).
19 Such a member is also entitled to reimbursement for traveling expenses
20 and other expenses actually incurred in connection with the member's
21 duties, as provided in the state travel policies and procedures
22 established by the **Indiana** department of administration and approved
23 by the state budget agency.

24 (b) The members of the board shall organize by the election of a
25 chairman and a vice chairman from among its membership. Such
26 officers shall serve for a term of one (1) year. The board shall meet at
27 least once in each calendar year and on such other occasions as it
28 considers necessary and advisable. A meeting of the board may be
29 called by its chairman or by a majority of the members on the board.
30 Four (4) members of the board constitute a quorum. A majority of the
31 quorum may transact business.

32 (c) The board is empowered to do the following:

33 (1) Establish reasonable application, examination, and renewal
34 procedures and set fees for licensure under this article. However,
35 no fee collected under this article shall, under any circumstances,
36 be refunded.

37 (2) Adopt and enforce rules concerning assessment of costs in
38 disciplinary proceedings before the board.

- 1 (3) Establish examinations of applicants for licensure under this
- 2 article and issue, deny, suspend, revoke, and renew licenses.
- 3 (4) Subject to IC 25-1-7, investigate and conduct hearings, upon
- 4 complaint against individuals licensed or not licensed under this
- 5 article, concerning alleged violation of this article, under
- 6 procedures conducted in accordance with IC 4-21.5.
- 7 (5) Initiate the prosecution and enjoinder of any person violating
- 8 this article.
- 9 (6) Adopt rules which are necessary for the proper performance
- 10 of its duties, in accordance with IC 4-22-2.
- 11 (7) Establish a code of professional conduct.
- 12 (d) The board shall adopt rules establishing standards for the
- 13 competent practice of psychology.
- 14 (e) All expenses incurred in the administration of this article shall be
- 15 paid from the general fund upon appropriation being made in the
- 16 manner provided by law for the making of such appropriations.
- 17 (f) The bureau shall do the following:
- 18 (1) Carry out the administrative functions of the board.
- 19 (2) Provide necessary personnel to carry out the duties of this
- 20 article.
- 21 (3) Receive and account for all fees required under this article.
- 22 (4) Deposit fees collected with the treasurer of the state for deposit
- 23 in the state general fund.
- 24 (g) The board shall adopt rules under IC 4-22-2 to establish,
- 25 maintain, and update a list of restricted psychology tests and
- 26 instruments (as defined in section 14(b) of this chapter) containing
- 27 those psychology tests and instruments that, because of their design or
- 28 complexity, create a danger to the public by being improperly
- 29 administered and interpreted by an individual other than:
- 30 (1) a psychologist licensed under IC 25-33-1-5.1;
- 31 (2) an appropriately trained mental health provider under the
- 32 direct supervision of a health service provider endorsed under
- 33 IC 25-33-1-5.1(c);
- 34 (3) a qualified physician licensed under IC 25-22.5;
- 35 (4) a school psychologist who holds a valid:
- 36 (A) license issued by the ~~professional standards board~~
- 37 **department of education** under IC 20-28-2; or
- 38 (B) endorsement under IC 20-28-12;

- 1 practicing within the scope of the school psychologist's license or
 2 endorsement; or
 3 (5) a minister, priest, rabbi, or other member of the clergy
 4 providing pastoral counseling or other assistance.
- 5 (h) The board shall provide to:
 6 (1) the social work certification and marriage and family therapists
 7 credentialing board; and
 8 (2) any other interested party upon receiving the request of the
 9 interested party;
- 10 a list of the names of tests and instruments proposed for inclusion on
 11 the list of restricted psychological tests and instruments under
 12 subsection (g) at least sixty (60) days before publishing notice of intent
 13 under IC 4-22-2-23 to adopt a rule regarding restricted tests and
 14 instruments.
- 15 (i) The social work certification and marriage and family therapists
 16 credentialing board and any other interested party that receives the list
 17 under subsection (h) may offer written comments or objections
 18 regarding a test or instrument proposed for inclusion on the list of
 19 restricted tests and instruments within sixty (60) days after receiving the
 20 list. If:
 21 (1) the comments or objections provide evidence indicating that
 22 a proposed test or instrument does not meet the criteria established
 23 for restricted tests and instruments, the board may delete that test
 24 from the list of restricted tests; and
 25 (2) the board determines that a proposed test or instrument meets
 26 the criteria for restriction after reviewing objections to the test or
 27 instrument, the board shall respond in writing to justify its
 28 decision to include the proposed test or instrument on the list of
 29 restricted tests and instruments.
- 30 (j) This section may not be interpreted to prevent a licensed or
 31 certified health care professional from practicing within the scope of the
 32 health care professional's:
 33 (1) license or certification; and
 34 (2) training or credentials."
- 35 Page 42, delete lines 8 through 42.
 36 Page 43, delete lines 1 through 24, begin a new paragraph and insert:
 37 "SECTION 118. IC 25-33-1-14, AS AMENDED BY HEA
 38 1288-2005, SECTION 197, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2005]: Sec. 14. (a) This section does not apply to an individual who is:

(1) a member of a teaching faculty, at a public or private institution of higher learning for the purpose of teaching, research, or the exchange or dissemination of information and ideas as an assigned duty of the institution;

(2) a commissioned psychology officer in the regular United States armed services;

(3) licensed by the ~~professional standards board~~ **department of education** (established by ~~IC 20-28-2-1~~ **IC 20-19-3-1**) as a school psychologist and using the title "school psychologist" or "school psychometrist" as an employee of a school corporation; or

(4) endorsed as an independent practice school psychologist under IC 20-28-12.

(b) As used in this section, "restricted psychology test or instrument" means a measurement instrument or device used for treatment planning, diagnosing, or classifying intelligence, mental and emotional disorders and disabilities, disorders of personality, or neuropsychological, neurocognitive, or cognitive functioning. The term does not apply to an educational instrument used in a school setting to assess educational progress or an appraisal instrument.

(c) It is unlawful for an individual to:

(1) claim that the individual is a psychologist; or

(2) use any title which uses the word "psychologist", "clinical psychologist", "Indiana endorsed school psychologist" or "psychometrist", or any variant of these words, such as "psychology", or "psychological", or "psychologic";

unless that individual holds a valid license issued under this article or a valid endorsement issued under IC 20-28-12.

(d) It is unlawful for any individual, regardless of title, to render, or offer to render, psychological services to individuals, organizations, or to the public, unless the individual holds a valid license issued under this article or a valid endorsement issued under IC 20-28-12 or is exempted under section 1.1 of this chapter.

(e) It is unlawful for an individual, other than:

(1) a psychologist licensed under IC 25-33-1-5.1;

(2) an appropriately trained mental health provider under the

1 direct supervision of a health service provider endorsed under
 2 IC 25-33-1-5.1(c);

3 (3) a qualified physician licensed under IC 25-22.5;

4 (4) a school psychologist who holds a valid:

5 (A) license issued by the ~~professional standards board~~
 6 **department of education** under IC 20-28-2; or

7 (B) endorsement under IC 20-28-12;

8 who practices within the scope of the school psychologist's license
 9 or endorsement; or

10 (5) a minister, priest, rabbi, or other member of the clergy
 11 providing pastoral counseling or other assistance;

12 to administer or interpret a restricted psychology test or instrument as
 13 established by the board under ~~IC 25-33-1-3(g)~~ **section 3(g) of this**
 14 **chapter** in the course of rendering psychological services to
 15 individuals, organizations, or to the public.

16 (f) This section may not be interpreted to prevent a licensed or
 17 certified health care professional from practicing within the scope of the
 18 health care professional's:

19 (1) license or certification; and

20 (2) training or credentials.

21 SECTION 119. IC 34-30-14-2.5 IS ADDED TO THE INDIANA
 22 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2005]: **Sec. 2.5. A teacher who:**

24 **(1) meets the requirement of IC 20-28-5-3.5; and**

25 **(2) either:**

26 **(A) performs:**

27 **(i) cardiopulmonary resuscitation; or**

28 **(ii) the Heimlich maneuver;**

29 **on; or**

30 **(B) removes a foreign body that is obstructing the airway**
 31 **of:**

32 **another individual;**

33 **in the course of employment as a teacher is not liable in a civil**
 34 **action for damages resulting from an act or omission occurring**
 35 **during the performance of a function under this section unless the**
 36 **act or omission constitutes gross negligence or willful and wanton**
 37 **misconduct."**

38 Page 43, line 26, after "IC 20-6.1-3-6;" insert "IC 20-8.1-4-3;

1 IC 20-10.1-16-9.1; IC 20-10.1-16-10; IC 20-10.1-16-12;".

2 Page 43, line 26, delete "IC 20-10.2-2-9.5." and insert

3 "IC 20-10.2-2-9.5; IC 20-28-1-4; IC 20-28-5-6; IC 20-32-5-18;

4 IC 20-32-5-20; IC 20-32-5-22."

5 Page 43, line 28, delete "IC 20-1-1.4-2" and insert "**IC 20-28-2-1**".

6 Page 43, line 31, delete "IC 20-1-1.1-2:" and insert "**IC 20-19-3-1**".

7 Page 43, line 40, delete "IC 20-1-1.4-11," and insert

8 "**IC 20-28-2-10**".

9 Page 44, line 3, delete "IC 20-1-1.4-3." and insert "**IC 20-28-2-2**".

10 Page 44, line 7, delete "IC 20-1-1.4-2.5," and insert

11 "**IC 20-28-2-1.5**".

12 Page 44, line 11, delete "IC 20-1-1.4-3," and insert "**IC 20-28-2-2**".

13 Page 44, line 18, delete "IC 20-1-1.1-2." and insert "**20-19-3-1**".

14 Page 44, line 23, delete "IC 20-1-1.1-2." and insert "**IC 20-19-3-1**".

15 Page 44, after line 23, begin a new paragraph and insert:

16 "SECTION 122. [EFFECTIVE UPON PASSAGE] (a)

17 **Notwithstanding IC 20-28-5-3.5, as added by this act, a college or**

18 **university located in Indiana may recommend to an individual who**

19 **has been accepted in a teacher training program before July 1,**

20 **2005, that the individual should meet the requirements of**

21 **IC 20-28-5-3.5, as added by this act.**

22 **(b) This SECTION expires June 30, 2007.**

23 SECTION 123. [EFFECTIVE UPON PASSAGE] (a) The

24 department of education shall develop a form for the written

25 consent to withdraw from school for a school corporation's use in

26 implementing IC 20-33-2-11.5 as added by this act.

27 (b) The department of education shall compile and make

28 available to schools statistics concerning the likely consequences of

29 life without a high school diploma. The statistics must include, but

30 are not limited to, statistics that show the likelihood of an

31 individual's:

32 (1) unemployment or a lower paying job; and

33 (2) involvement in criminal activity;

34 as the consequence of not obtaining a high school diploma.

35 (c) The department of education shall update the statistics

36 described in subsection (b) every two (2) years.

37 (d) This SECTION expires December 31, 2005.

38 SECTION 124. [EFFECTIVE JULY 1, 2005]: (a) If a statute is

1 passed that requires, beginning with the 2010-2011 school year and
2 with certain exceptions, a student to complete the Core 40
3 curriculum in order to graduate from high school, the department
4 of education shall study and make findings and recommendations
5 on alternate methods for certification including certification in
6 nontraditional ways for teacher licensing for teachers currently
7 employed by a public school to fulfill available positions in shortage
8 areas including mathematics and science and any other subject
9 area designated as a shortage area by the Indiana state board of
10 education.

11 (b) In conducting the study and making a determination under
12 this SECTION, the department shall but is not limited to consider
13 the following factors:

14 (1) the experience of the teacher; and

15 (2) the subject areas the teacher is currently licensed in.

16 (c) The department shall use any additional certification
17 obtained by a teacher for license renewal.

18 (d) The department shall submit a report of its findings and
19 recommendations under this SECTION not later than December
20 31, 2005, to the legislative council in an electronic format under
21 IC 5-14-6.

22 (d) The report must include:

23 (1) the results of the study; and

24 (2) recommendations to the legislative council concerning
25 alternative teacher licensing methods.

- 1 **(e) This SECTION expires December 31, 2005.**
- 2 SECTION 125. **An emergency is declared for this act."**
- 3 Renumber all SECTIONS consecutively.
 (Reference is to SB 371 as printed February 18, 2005.)

and when so amended that said bill do pass.

Representative Behning